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**IN THE SUPREME COURT OF FLORIDA**

**THE SCHOOL BOARD OF ALACHUA COUNTY, FLORIDA; THE SCHOOL BOARD OF BAY COUNTY, FLORIDA; THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA; THE SCHOOL BOARD OF HAMILTON COUNTY, FLORIDA; THE SCHOOL BOARD OF LEE COUNTY, FLORIDA; THE SCHOOL BOARD OF POLK COUNTY, FLORIDA; THE SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA; THE SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA; AND THE SCHOOL BOARD OF WAKULLA COUNTY, FLORIDA,**

**Petitioners,**

**v.**

**Case No.: SC17-\_\_\_\_\_**

**RICHARD CORCORAN**, in his official capacity as Speaker of the Florida House of Representatives; **JOE NEGRON**, in his official capacity as President of the Florida Senate; the **FLORIDA HOUSE OF REPRESENTATIVES**, as a state agency; the **FLORIDA SENATE**, as a state agency; **KEN DETZNER**, in his official capacity as Secretary of State for the State of Florida; **PAM STEWART**, in her official capacity as Florida Commissioner of Education,

**Respondents.**

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**PETITION FOR WRITS OF QUO WARRANTO  
AND WRITS OF MANDAMUS**

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## INTRODUCTION

On the very last day of the 2017 legislative session, the Florida Legislature passed the 274-page Florida House Bill 7069 (“HB 7069”), which threaten to fundamentally change the State’s public education system. On the Friday before the Monday vote, 268 of these pages were thrown into the original six-page HB 7069, transforming the bill into a sprawling reconstruction of literally dozens of different aspects of Florida public education law and funding, and including several provisions unrelated to K-12 education or even to education at any level.

Without the benefit of any conference-committee analysis of the new legislation—and with only a single weekend to review the bill—HB 7069 passed by only two votes in the Florida Senate. This is precisely the type of logrolled legislation that the single-subject rule is designed to prevent.

Petitioners<sup>1</sup> file this petition for writ of quo warranto challenging the authority of the Speaker of the House of Representatives, Richard Corcoran; the President of the Senate, Joe Negron; the Florida House of Representatives; and the Florida Senate to enact House Bill 7069 (“HB 7069”) in violation of the single-subject requirement of Article III, Section 6 of the Florida Constitution.

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<sup>1</sup> Petitioners are locally-elected Florida district school boards responsible for supervising and controlling all public schools in their respective districts. Art. IX, § 4, Fla. Const.



Furthermore, Petitioners petition this Court for issuance of a writ of mandamus directing the Speaker of the House of Representatives; the President of the Senate; the Florida House of Representatives; and the Florida Senate to comply with the single-subject requirement of Article III, Section 6 of the Florida Constitution as it relates to HB 7069.

Finally, Petitioners petition this Court for a writ of mandamus directing the Secretary of State, Ken Detzner, to expunge HB 7069 from the official records of the State of Florida as being an unconstitutional law enacted in violation of Article III, Section 6 of the Florida Constitution; and for Pam Stewart, the Florida Commissioner of Education to halt any and all implementation of HB 7069 presently occurring.

## **BASIS FOR INVOKING THE JURISDICTION OF THE COURT**

This Court has original jurisdiction under Article V, Section 3(b)(8) of the Florida Constitution and Florida Rule of Appellate Procedure 9.030(a)(3) to “issue writs of mandamus and quo warranto to state officers and state agencies.” Respondents are state officials and state agencies charged with implementing the various provisions of HB 7069. The Speaker of the House of Representatives, the President of the Senate, the Secretary of State, and the Commissioner of Education are state officers subject to this Court’s jurisdiction. The Florida House of Representatives and Florida Senate are also state agencies subject to this Court’s jurisdiction.

## STATEMENT OF FACTS

On March 10, 2017, HB 7069 was introduced in the Florida House of Representatives' Education Committee.<sup>2</sup> The simple bill introduced in early March was six-pages in length, referred to as PCB EDC 17-02. That limited version of the bill originally addressed a single subject: a discrete teacher-recognition program known as the "Best and Brightest Teacher Scholarship Program." The original HB 7069 was titled "[a]n act relating to the best and brightest teachers and principals."<sup>3</sup>

After being referred by the Education Committee to the Appropriations Committee on March 14, 2017, the bill became formally known as HB 7069.<sup>4</sup> The bill passed through the Appropriations Committee with only minor amendments.<sup>5</sup>

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<sup>2</sup> Florida House of Representatives, *CS/HB 7069 Bill History* (March 8, 2017), available at <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=59539>.

<sup>3</sup> See Exhibit 1 (containing original PCB EDU 17-02 bill text).

<sup>4</sup> Fla. H.R. Jour. 357 (Reg. Sess. 2017). Fla. Stat. §90.202 states: "A court may take judicial notice of the following matters...(5) Official actions of the legislative, executive, and judicial departments of the United States and of any state, territory, or jurisdiction of the United States." Pursuant to Fla. Stat. §90.202(5), Petitioners request this Court to take judicial notice of the Journals of the Florida House of Representatives and Senate, and accompanying Florida House and Senate Bill Analysis reports, as official Florida "public records." See *English v. Bryant*, 152 So. 2d 167 (Fla. 1963) (Supreme Court taking judicial notice of contents of House and Senate Journals as public records); see also *Jacksonville Elec. Authority v. Department of Revenue*, 486 So. 2d 13501 1354 (Fla. 1st 1986) ("It is certain that the Journals of the House and Senate may be judicially noticed to furnish insight into the legislative intent.").

<sup>5</sup> See Exhibit 2 (containing Amendment 1: A 743195). See also Exhibit 3 (containing Amendment 2: A 627063).

After passing in the House of Representatives, HB 7069 was sent to the Senate for a vote. The Senate refused to pass the bill, but agreed to a request for review by a conference committee.<sup>6</sup> The bill was referred to an Appropriations Conference Committee on April 27.<sup>7</sup>

On Friday, May 5, Amendment 648555 was proposed by the Appropriations Conference Committee.<sup>8</sup> Amendment 648555 completely revised the original bill and added 268 more pages, dozens of new subjects, a new short title, and 19 additional page of full title.<sup>9</sup> Although the bill was given the generic short title “[a]n act relating to education,” the full title of the bill now spanned *20 pages*.<sup>10</sup>

On the next business day, Monday, May 8 (less than 72 hours after Amendment 648555’s introduction), a vote on the amended bill was pushed through the Legislature. This was the last day of the regular legislative session.<sup>11</sup> One

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<sup>6</sup> See Fla. S. Jour. 403-04 (Reg. Sess. 2017).

<sup>7</sup> Fla. S. Jour. 528-29 (Reg. Sess. 2017); Florida Senate, *CS/HB 7069 Bill History* (April 27, 2017), available at <https://www.flsenate.gov/Session/Bill/2017/7069>.

<sup>8</sup> Fla. S. Jour. 1314-16 (Reg. Sess. 2017).

<sup>9</sup> Fla. S. Jour. 1316-61 (Reg. Sess. 2017) (containing Amendment text).

<sup>10</sup> Exhibit 4 (containing HB 7069). See also Florida Senate, *CS/HB 7069* (2017), available at <https://www.flsenate.gov/Session/Bill/2017/7069/BillText/er/PDF>; Florida House of Representatives, *Enrolled* (2017), available at [http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=\\_h7069er.docx&DocumentType=Bill&BillNumber=7069&Session=2017](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h7069er.docx&DocumentType=Bill&BillNumber=7069&Session=2017) (hereinafter “HB 7069”).

<sup>11</sup> Fla. S. Jour. 1361 (Reg. Sess. 2017).

senator objected to Amendment 648555 and the conduct of the Appropriations Conference Committee.<sup>12</sup> However, these objections were ultimately overruled. The amended HB 7069 passed by only two votes in the Senate.<sup>13</sup>

On June 15, 2017, Governor Scott signed HB 7069 into law.<sup>14</sup> The bill was filed in the Office of the Secretary of State that same day and HB 7069 went into effect on July 1, 2017.<sup>15</sup>

Among other things, HB 7069 includes legislation on the following distinct subjects:

- Taxation;
- Absences for treatment of autism spectrum disorder;
- Capital millage;
- The Best and Brightest Teacher Scholarship Program;
- Student sunscreen possession;
- Dispute resolution;
- Charter school tort liability;
- Teacher bonuses;

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Ch. 2017-116, at 136, Laws of Fla. (2017). Chapter Law Number 2017-116 is the single-spaced version of the bill that is published, verbatim, by the Florida State Library and Archives following each regular session of the Florida Legislature. Throughout this Petition, page citations are made in reference to the official Florida House of Representatives text of HB 7069, which is also available on the Florida Senate website as cited above. Because the actions of the Legislature are at issue in this case, this version is the appropriate reference because it is the version of HB 7069 that was passed by the Senate on May 8, 2017; ordered Engrossed, then Enrolled by the House; signed by the Officers of the Legislature; and presented to the Governor for his signature.

<sup>15</sup> *Id.*

- 20 minute recesses;
- Algebra II end-of-course assessments;
- Legislative intent;
- Teacher training and certification;
- Civic literacy;
- Virtual instruction;
- School improvements;
- Early warning systems;
- School attendance;
- Enrollment;
- State Board of Education duties;
- Student performance data;
- Physical education credit;
- Department of Education website content;
- Student attire;
- Board members visiting schools;
- Shared-use agreements;
- Schools of hope;
- Attorneys' fees; and
- Parental notification requirements.<sup>16</sup>

In total, the bill changes nearly 70 provisions within Florida's Education Code.

However, even this list is not exhaustive.<sup>17</sup>

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<sup>16</sup> See *CS/HB 7069* at 1-20.

<sup>17</sup> In addition, HB 7069 also: requires the Auditor General to conduct an annual financial audit of the Florida School for the Deaf and Blind; revises requirements for the recalculation of specified funds; creates the "Schools of Excellence Program;" revises the requirements for independent institutions of higher education to participate in specified programs; creates "American Founders' Month;" revises the allocation and use of funds related to Florida digital classrooms; eliminates certain required assessments; revises the assessment administration and reporting process; and revises the student enrollment amendment deadline. See generally HB 7069.

1. Not only does HB 7069 address K-12 education, it also includes legislation addressing aspects of post-secondary education. For example, the bill creates “postsecondary educator institutes...designed for noneducation major baccalaureate degree holders” to train these individuals “to meet certification requirements.”<sup>18</sup> The bill further authorizes “the Florida State University School, as a lab school...to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.”<sup>19</sup> Indeed, the bill also authorizes payment of scholarship program funds “to meet the individual educational needs of an eligible student” including payment of the “fees associated with “assessments related to postsecondary education, or other assessments.”<sup>20</sup>

In addition to K-12 and post-secondary education, HB 7069 legislates on other varied subjects, including creating “American Founders’ month” and salary

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<sup>18</sup> *Id.* at 75-77.

<sup>19</sup> *Id.* at 28.

<sup>20</sup> *Id.* at 227-28 (“specialized services may include, but are not limited to...Fees for...assessments related to postsecondary education, or other assessments.”).

incentives for law enforcement officers.<sup>21</sup> The bill also amends the membership of the “Children’s Services Council” to include the superintendent’s designee.<sup>22</sup>

Moreover, there are also significant appropriations within the bill. HB 7069 appropriates “\$413,950,000 in recurring funds from the General Revenue Fund and \$5 million in nonrecurring funds from the General Revenue Fund” to the Department of Education to implement the act.<sup>23</sup>

The bill “contains provisions from 23 [other] bills that have been heard, deliberated, and passed by House and Senate committees and, in several cases, by the House or Senate.”<sup>24</sup> *See Fla. S. Jour.* 1314-16 (Reg. Sess. 2017) (listing the topics

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<sup>21</sup> *Id.* at 87-88 (creating § 683.1455, Fla. Stat.); *id.* at 92-93 (amending § 943.22, Fla. Stat.).

<sup>22</sup> *Id.* at 268-271 (amending § 125.901, Fla. Stat.). Children’s Services Councils are established by a county commission through local ordinance and formed to support local organizations like the Boys & Girls Clubs, Children’s Home Society and the United Way. *See About CSCS: Overview, FLORIDA CHILDREN’S SERVICES COUNCIL* <http://flchildrenscouncil.org/about-cscs/overview/> (last visited November 11, 2017). Children’s Services Councils are separate and distinct from public school entities and are even statutorily prohibited from funding any programs funded by school districts. *See* § 125.901(2)(a) Fla. Stat. (“3. To allocate and provide funds for other agencies in the county which are operated for the benefit of children, *provided they are not under the exclusive jurisdiction of the public school system.*”) (emphasis added).

<sup>23</sup> HB 7069 at 273-274.

<sup>24</sup> *See* Exhibit 5 at 3 (containing Florida House of Representative’s Final Bill Analysis). In addition to the official Journals of the Florida Legislature, the Florida House of Representatives and Senate both issue an official Final Bill Analysis, summarizing the contents of bills passed by the legislature. Petitioners contend that these documents are subject to the “public records and reports” hearsay exception, which allows for consideration of “[r]ecords, reports, statements reduced to writing,



added to the bill through the Conference Committee Amendment for HB 7069). In a number of cases, portions of bills that never made it out of committee were ultimately included in HB 7069. For example, the provisions of SB 856, which was defeated in committee, found their way back into HB 7069.<sup>25</sup>

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or data compilations, in any form, of public offices or agencies, setting forth the activities of the office or agency, or matters observed pursuant to duty imposed by law as to matters which there was a duty to report..." § 90.803(8), Fla. Stat. (2017). *See, e.g., Yisrael v. State*, 993 So. 2d 952, 960 (Fla. 2008) (Department of Corrections Crime and Time Reports were admissible public records because they constituted and "activities-based" public record memorializing the activities of an agency and were not created for the purpose of preparing for litigation).

<sup>25</sup> Compare Florida Senate, *CS/HB 856* (2017), available at <http://www.flsenate.gov/Session/Bill/2017/856/BillText/c1/PDF> (amending § 1012.335 Fla. Stat. as follows: "(d) Except in a county as defined in s. 125.011(1), a district school board may not: 1. Award an annual contract on the basis of any contingency or condition not expressly authorized in this section; or 2. Alter or limit its authority to award or not award an annual contract as provided in this section."), with Florida Senate, *CS/HB 7069* at 192 (2017), available at <https://www.flsenate.gov/Session/Bill/2017/7069/BillText/er/PDF> ("A district school board may not award an annual contract on the basis of any contingency or condition not expressly authorized in law by the Legislature or alter or limit its authority to award or not award an annual contract as provided in s. 1012.335.").

## **NATURE OF RELIEF SOUGHT**

Petitioners seek a writ of quo warranto finding that the Speaker of the House of Representatives, Richard Corcoran; the President of the Senate, Joe Negron; the Florida House of Representatives; and the Florida Senate acted beyond their constitutional authority by enacting HB 7069 in violation of the single-subject requirement of Article III, Section 6 of the Florida Constitution. Petitioners also seek a writ of mandamus directing the Speaker of the House of Representatives, the President of the Senate, the Florida House of Representatives and the Florida Senate to comply with the single-subject requirement of Article III, Section 6 of the Florida Constitution as it relates to HB 7069. Finally, Petitioners seek a writ of mandamus directing the Secretary of State, Ken Detzner, to expunge HB 7069 from the official records of the State of Florida as being an unconstitutional law enacted in violation of Article III, Section 6 of the Florida Constitution; and for Pam Stewart, the Florida Commissioner of Education to halt any and all implementation of HB 7069 presently occurring.

## ARGUMENT

### **I. THE FLORIDA SUPREME COURT SHOULD EXERCISE ITS DISCRETION AND ACCEPT ORIGINAL JURISDICTION OVER THIS PETITION TO PREVENT DIRECT AND IMMEDIATE ADVERSE EFFECTS TO THE FUNCTIONS OF GOVERNMENT IN FLORIDA.**

Article V, Section 3(b)(8) of the Florida Constitution authorizes this Court to issue writs of mandamus and writs quo warranto, and this Court's jurisdiction is limited to actions involving "state officers and state agencies." Art. V, § 3(b)(8), Fla. Const.; *see also, e.g., Flack v. Graham*, 453 So. 2d 819 (Fla. 1984). Respondents are state officers and agencies subject to this Court's jurisdiction under Article V, Section 3(b)(8), Fla. Const.

Although challenges to the constitutionality of a statute are generally brought before the trial court, a petition for writ of mandamus or quo warranto before the Florida Supreme Court is "the appropriate vehicle for addressing claims of unconstitutionality 'where the functions of government will be adversely affected without an immediate determination.'" *Allen v. Butterworth*, 756 So. 2d 52, 55 (Fla. 2000) (quoting *Div. of Bond Fin. v. Smathers*, 337 So. 2d 805, 807 (Fla. 1976)). Such is the case here.

As HB 7069 makes sweeping changes to the entire education system of the State of Florida, the State's district school boards, the Department of Education, the State Board of Education, public employees, school-aged citizens, and all those

involved in the various aspects of education will be significantly and irreparably affected by the provisions in this bill. Moreover, several district school boards across the State have brought actions challenging several specific provisions within HB 7069 on other substantive constitutional grounds, since the bill will dramatically erode local control of public education in Florida.<sup>26</sup>

Just two of HB 7069's most significant adverse effects upon Florida's education system are highlighted here:

*First*, HB 7069 represents a monumental transfer of public wealth to private entities and private interests that, once transferred, cannot ever be meaningfully recouped. This enormous transfer of wealth for the benefit of private interests is funded by diverting public education infrastructure funds away from the needs that have been identified by local school boards. HB 7069 exacts such damage to the educational system by making substantial changes to the capital millage system and altering the manner in which funds for education flow through the education system. Under HB 7069, funds that district school boards would otherwise use for capital

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<sup>26</sup> The Complaints in the cases filed to date are attached hereto as Exhibits 6 and 7. Critically, this Court should not defer to the trial court's in those separate matters jurisdiction because those challenges are directed at very specific portions of HB 7069. Rather than have piecemeal litigation pending at the trial court level, if this Court accepts jurisdiction and finds the law unconstitutional, the law will be invalidated in its entirety. This serves the interests of judicial efficiency and would prevent further expenditure of public funds by school boards around the State.

improvement projects to maintain and improve aging schools of all kinds *must* be diverted to charter schools, regardless of need. Charter school operators, in turn, may use those locally levied ad valorem dollars to purchase and develop real estate mortgaged to private entities. HB 7069 would also require these funds to be given to charters entities that contract with for-profit management companies—the end result being that the funds will be used to pay rent to private, for-profit companies for the use of buildings the for-profit management companies own. Furthermore, because the building requirements for charter schools are less stringent than that for traditional public schools, the properties acquired and built by charters may be completely unusable by school districts upon charter school termination and unsuitable during the charter schools’ existence for use as public hurricane shelters in the event of an emergency. On February 1, 2018, these monthly payments of tens-of-millions of dollars from school districts to charter schools will begin. All of the funds flowing out of the public school system simply cannot be recaptured, and therefore constitute immediate and permanent losses to the public education system.

*Second*, HB 7069 also creates an entirely new category of charter schools called “Schools of Hope.” District school boards *must* enter into contracts for the formation of these schools, which will operate outside of any meaningful control or supervision by local district school boards and have a mandated initial term of five

years.<sup>27</sup> Immediately after HB 7069 goes into effect, district school boards will begin entering into these long-term contracts, teachers will be hired, Schools of Hope will be built and financed, and students will be transferred. For every day that goes by, the number of schools created, teachers hired, and students transferred will grow. For every day that goes by, it will become more and more expensive, if not impossible, to reverse the effects of this legislation. The education of these students and the employment of these teachers are at risk. The education system and economy of Florida are intricately tied up in this broad legislation.

These and several other fundamental changes to the system of public education in Florida make imperative an urgent judicial review of this legislation. Waiting for a trial-court determination and its subsequent appellate review will allow irreversible damage to the function of the public education system to occur throughout the State of Florida. It is vital that the Florida Supreme Court accept original jurisdiction over these petitions.

This Court has accepted jurisdiction in similar circumstances. In *Division of Bond Finance v. Smathers*, the Court accepted original jurisdiction over a petition for writ of mandamus challenging the constitutionality of a vetoed provision in the General Appropriations Act that sought to establish the manner in which general

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<sup>27</sup> See HB 7069 § 43 (creating § 1002.333(5)(i), Fla. Stat.).

obligation bonds for environmentally endangered lands would be applied. 337 So. 2d 805 (Fla. 1976). The Court found it prudent to accept jurisdiction because “the State Bond Program and Environmentally Endangered Lands Bond Program are jeopardized by the questionable constitutionality of the proviso and the doubt over the effectiveness of the Governor’s veto.” *Id.* at 807. The Court found it particularly compelling that the provision “has caused, and on a daily basis continues to cause the State to be in arrears on a previously executed contract with the government of the United States for the purchase of environmentally endangered lands in the State . . . .” *Id.* at 807, n. 1. In this case, the Court would be similarly prudent in accepting original jurisdiction, given the significant educational interests jeopardized by the “questionable constitutionality” of HB 7069.

Similarly, in *Allen v. Butterworth*, the Court treated various petitions challenging the constitutionality of the Death Penalty Reform Act as petitions for writs of mandamus. 756 So. 2d at 54. The Court found it necessary to accept jurisdiction because the act “drastically changes Florida’s post-conviction death penalty proceedings, thereby affecting a large number of cases pending in this Court and at various stages in the trial courts throughout the state.” *Id.* at 55. The Court found it significant that “[t]he responsibilities of a large number of state-employed attorneys will also be affected by the DPRA.” *Id.* The Court concluded that “[u]ntil the constitutionality challenge is resolved, the status of these proceedings is in

limbo.” *Id.* Here, as in *Allen*, HB 7069 drastically changes Florida’s educational structure and significantly impacts the responsibilities of public school administrators and employees across the state. It is undeniable that, “until the constitutionality challenge is resolved,” HB 7069 will continue to be a source of great uncertainty for Florida’s public education system.

Likewise, in *Florida Senate v. Harris*, the Court accepted jurisdiction over a petition for writ of mandamus filed by the Senate and Senate President asking the Court to order the Secretary of State to expunge from the official records a gubernatorial veto directed at a provision in the General Appropriations Act which involved “a \$40 million appropriation for an extended school year program in Florida public schools . . . .” 750 So. 2d 626, 628 (Fla. 1999). The governor’s veto would have prevented the dissemination of millions of dollars to public schools. *Id.* Although not extensively discussed, the Court’s acceptance of jurisdiction shows the importance of immediately resolving a dispute which negatively impacts the education system and funding for education in Florida. Notably, the Court simultaneously declined to accept jurisdiction over the Governor’s counter petition to declare the challenged portion of the General Appropriations Act unconstitutional for violation of the single-subject requirement for Appropriations bills. In doing so, the Court opined that “[w]e do not find that the instant case involves circumstances of direct and immediate adverse effect” to the functions of government. *Id.* at 631.



The decision in *Florida Senate v. Harris* is particularly apposite here. 750 So. 2d 626 (Fla. 1999). The governor’s challenge did not involve circumstances of direct and immediate adverse effect because the challenged portion of the General Appropriations Act was a single provision *allowing for* operations grants to public schools. *Id.* at 631. Thus, to wait for the trial court’s determination would have no immediate adverse effect on education because funds would be flowing into the public education system. *Id.* By comparison, the challenged bill in this case legislates on countless subjects dealing with the primary functions of education around the State and would actually divert funds from public schools to other entities from which those funds could not be recaptured. Further, because HB 7069 requires districts to enter into “standard charter contracts” with charter operators, any district that had already entered such contract would be irreparably harmed if the bill requiring such contracts was later found to be unconstitutional.

Finally, in *Moreau v. Lewis*, this Court accepted jurisdiction over a petition for writ of mandamus filed by a Medicaid recipient challenging the constitutionality of a provision in the General Appropriations Act instituting a \$1 Medicaid pharmacy copayment. 648 So. 2d 124, 126 (Fla. 1995). Notably, the Court found that the exercise of original jurisdiction was warranted because an immediate determination was necessary to protect governmental functions based on the sweeping effect of the enacted legislation. *Id.* Such is the case here.

As in the cases cited above, this Court should accept original jurisdiction over this petition. By addressing the clear-cut procedural issue raised in this petition—HB 7069’s blatant failure to comply with the single-subject rule—this Court can address a matter of great public importance, allow the Legislature to reconsider the many problematic portions of this tangled legislative web, and thereby conserve judicial resources. Florida’s education system is too important for its function to be subjected to such widespread uncertainty. Therefore, Petitioners respectfully ask the Court to exercise original jurisdiction over this Petition for Writ of Quo Warranto and Writ of Mandamus to prevent direct and immediate adverse effects on the education system in Florida.<sup>28</sup>

## **II. HB 7069 WAS ENACTED IN VIOLATION OF THE SINGLE-SUBJECT REQUIREMENT IN ARTICLE III, SECTION 6 OF THE FLORIDA CONSTITUTION.**

The single-subject requirement is found in Article III, Section 6 of the Florida Constitution, which states:

Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise

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<sup>28</sup> Petitioners also note that resolution of this controversy does not involve significant issues of fact. *See Moreau*, 648 So. 2d at 126, n. 4 (noting that “no relevant factual dispute remains which would require extensive factfinding” when granting jurisdiction). As this Court has found in the past, the question of whether a bill violates the single-subject requirement is “strictly legal in nature. The resolution of this issue requires no findings of fact. It requires only a construction of the terms of the proposal.” *Fine v. Firestone*, 448 So. 2d 984, 987 (Fla. 1984). The Court should exercise its jurisdiction to review this issue.

or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: “Be It Enacted by the Legislature of the State of Florida:”.

Art. III, § 6 Fla. Const. This Article contains three requirements: “First, each law shall ‘embrace’ only ‘one subject.’ Second, the law may include any matter that is ‘properly connected’ with the subject. The third requirement, related to the first, is that the subject shall be ‘briefly expressed in the title.’” *Franklin v. State*, 887 So. 2d 1063, 1072 (Fla. 2004) (quoting Art. III, § 6, Fla. Const.). This so-called “single subject provision” is intended, in part, to prevent the Legislature from engaging in “logrolling” legislation and “putting two unrelated matters into one act.” *State v. Thompson*, 750 So. 2d 643, 646 (Fla. 1999) (quoting *In State ex rel. Flink v. Canova*, 94 So.2d 181, 184 (Fla.1957)). In determining whether an act meets these requirements, the Court looks to the bill’s “short title,” and performs an analysis as to whether that short title encompasses only one subject, or is overly broad and encompasses many different subjects. As the legislative record and composition of HB 7069 make clear, the bill violates this constitutional provision.

**A. HB 7069’s short title is overly generic and encompasses legislation on a wide variety of subjects.**

In *Franklin*, this Court established that “the single subject of an act is derived from the short title, *i.e.*, the language immediately following the customary phrase ‘an act relating to’ and preceding the indexing of the act’s provisions.” *Franklin*, 887

So. 2d at 1075. Critically, however, this bright-line rule is subject to one major caveat:

[T]he title of an act may be general, ‘so long as it is not made a cover to legislation incongruous in itself.’ *State ex rel. Attorney General v. Green*, 36 Fla. 154, 18 So. 334, 338 (1895). In other words, the short title of the legislation cannot be so broad as to purportedly cover unrelated topics, and thus provide no real guidance as to what the body of the act contains. Indeed, allowing an overly broad short title to become the single subject runs the risk of permitting logrolling and hodgepodge or omnibus legislation.

*Franklin*, 887 So. 2d at 1076. That is precisely what occurred here.

The Court went on to explain the application of this rule by identifying the short title in *Thompson* as “[a]n example of an ‘overly broad short title.’” *Id.* (citing *State v. Thompson*, 750 So. 2d 643 (Fla. 1999)). In *Thompson*, the short title of the act was “An act relating to [the] justice system”—nearly identical to HB 7069’s short title: “An act relating to education.” *Franklin*, 887 So. 2d at 1076 (quoting *Thompson*, 750 So. 2d at 648) (alteration in original).

This attempt to encompass the entire education system in one fell swoop belies the true breadth of HB 7069. The bill—far from embracing only one subject—contains a multitude of distinctly different legislative provisions and revisions, bound together with a title “so broad as to purportedly cover unrelated topics, and thus provide no real guidance as to what the body of the act contains.” *See Franklin*, 887 So. 2d at 1076.

When a bill contains an overly broad short title, the Court must review the bill's "various sections . . . to determine whether they have a natural or logical connection." *Thompson*, 750 So. 2d at 647. Here, it is clear that HB 7069's sections do not. As discussed above, the bill covers an expansive, broad array of topics and does everything from creating "student attire incentive payments" for schools that implement a standard student attire policy to "revising student progress evaluation requirements."<sup>29</sup> HB 7069's influence spans from "prekindergarten providers" to postsecondary students; it affects teachers, students, staff, school boards, and parents—as well as average citizens of Florida affected by the bill's tax provisions.

**B. HB 7069 is a prototypical example of logrolled legislation.**

Because HB 7069's short title is overly broad, this Court must look beyond the short title "to the remainder of the act and the history of the legislative process to determine if the act actually contains a single subject or violates the constitution by encompassing more than one subject." *Franklin*, 887 So. 2d at 1076-77. In particular, the Court should look for the hallmarks of logrolled legislation. *See Thompson*, 750 So. 2d at 646-47 (citing *State v. Lee*, 356 So. 2d 276 (Fla. 1978)) ("The purpose of this constitutional prohibition against a plurality of subjects in a single legislative act is to prevent 'logrolling' where a single enactment becomes a

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<sup>29</sup> *See* HB 7069 at 63; *see also id.* at 17.

cloak for dissimilar legislation having no necessary or appropriate connection with the subject matter.”)).

The Court need not look very far to see that HB 7069 is a classic example of logrolled legislation. HB 7069 began in the Education Committee on March 8, 2017, where it was referred to as PCB EDC 17-02. The short title was “[a]n act relating to the best and brightest teachers and principals” and the *entire bill was only 6 pages long*.<sup>30</sup> The bill was then referred by the Education Committee to the Appropriations Committee on March 14, 2017, where it became known as HB 7069. The original bill passed through the Appropriations Committee with minor amendments. After receiving a passing vote in the House, the original bill was sent to the Senate for a vote. The Senate refused to pass the early version of HB 7069 but agreed to a request for review by a conference committee. The original bill was referred to an Appropriations Conference Committee on April 27, 2017.

On Friday, May 5, 2017, Amendment 648555 was proposed by the Appropriations Conference Committee. Amendment 648555 completely changed the original bill and added an astounding 268 more pages, dozens of new subjects, a new short title, and 19 more pages to the title.<sup>31</sup> Less than three days later, on Monday, May 8, 2017, the last day of the regular legislative session, a vote on the

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<sup>30</sup> See Exhibit 1.

<sup>31</sup> See Fla. S. Jour. 1316-61 (Reg. Sess. 2017) (containing Amendment text).

amended bill was pushed through the House and Senate. There was no floor debate and there were no further amendments.<sup>32</sup> Even so, the amended bill passed by only two votes and was sent to the Governor for signature.<sup>33</sup>

As this Court has recognized, “[i]t is in circumstances such as these that problems with the single subject rule are most likely to occur.” *Thompson*, 750 So. 2d at 648 (quoting with approval *Thompson v. State*, 708 So. 2d 315, 317 (Fla. 2d DCA 1998)). In *Thompson*, the Court found it concerning that the legislative history behind the bill at issue revealed that substantive provisions were added at the very end of the legislative session; that these provisions were pulled from other bills that had been previously rejected by the legislature; and that the short title was changed from a specific topic, “[a]n act relating to career criminals,” to a much broader topic: “[a]n act relating to [the] justice system.” *Id.* The present situation is even more egregious. Examining the legislative history behind HB 7069, and the sheer breadth

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<sup>32</sup> Indeed, under a Point of Order, one Senator raised the following Points of Order:

- Pursuant to Senate Rule 2.39, the consideration of House Amendment 648555 was out of order;
- Pursuant to Senate Rule 4.2 and Joint Rule 2, the Appropriations Conference Committee was not properly convened or conducted; [and]
- Pursuant to Senate Rule 7.1, elements of the Conference Committee Report were not germane to the bill.

*See Fla. S. Jour.* 1361 (Reg. Sess. 2017). Although these points of order were ruled “not well taken,” these points succinctly identify the manner in which HB 7069 was passed. *Id.*

<sup>33</sup> *Fla. S. Jour.* 1361 (Reg. Sess. 2017).

and volume of subjects contained therein, leads to the inescapable conclusion that HB 7069 arose through unconstitutional logrolling ineffectively concealed by means of an overly broad short title.

Any argument that HB 7069 somehow constitutes a comprehensive law that withstands constitutional scrutiny is unsupported by this Court's precedents. Although the Court has occasionally upheld broad and comprehensive legislation, it has only done so when such legislation was tailored to address a State-wide crisis. Such instances have been extremely rare and involved legislation that specifically identified the crisis in the text of the legislation itself. *See, e.g., Burch v. State*, 558 So. 2d 1 (Fla. 1990). Indeed, *nowhere* in the 274-page text of HB 7069 does the word "crisis" appear, nor does the Legislature make any attempt to identify any overarching policy or concern with the education system to warrant such broad legislation.

In cases like this one, the Court has found legislation which covers various subjects in the absence of any identifiable crisis to be unconstitutional. *See Thompson*, 750 So. 2d at 644; *Dept. of Highway Safety & Motor Vehicles v. Critchfield*, 842 So. 2d 782 (Fla. 2003). Here, the Florida Legislature failed to provide any justification for the immense scope of HB 7069 and thus it is not entitled to the wide latitude permitted to address comprehensive "crisis" legislation.



**C. Respondents have a mandatory duty to comply with the Florida Constitution and their exercise of authority beyond that authorized by the Florida Constitution was improper.**

Respondents Richard Corcoran, as Speaker of the Florida House of Representatives; Joe Negron, as President of the Florida Senate; the Florida House of Representatives; and the Florida Senate have an unquestioned and mandatory duty to comply with the Florida Constitution. Art. II, § 5(b), Fla. Const. This includes their compliance with Article III, Section 6 of the Florida Constitution.

Any exercise of their authority which violates the Florida Constitution is improper and justifies issuance of a writ of quo warranto.

## CONCLUSION

In sum, this Court should find that HB 7069 violates the single-subject requirement in Article III, Section 6 of the Florida Constitution because the short title is overly broad; the legislative history reflects “logrolling;” and no crisis exists in Florida which would support the need for such sweeping legislation. Respondents Richard Corcoran, as Speaker of the Florida House of Representatives; Joe Negron, as President of the Florida Senate; the Florida House of Representatives; and the Florida Senate have exceeded their constitutional authority and violated their clear legal duty to comply with the mandates of the Florida Constitution by enacting legislation which violates Article III, Section 6 of the Florida Constitution. Respondent Ken Detzner, as Secretary of State for the State of Florida, should be directed to expunge HB 7069 from the public records of Florida as an unconstitutional law. Respondent Pam Stewart, as Florida Commissioner of Education, also should be directed to immediately halt any implementation of HB 7069.

**WHEREFORE**, Petitioners respectfully petition this Court for a writ of quo warranto finding that the Speaker of the House of Representatives, Richard Corcoran; the President of the Senate, Joe Negron; the Florida House of Representatives; and the Florida Senate acted beyond their constitutional authority by enacting HB 7069 in violation of the single-subject requirement of Article III,

Section 6 of the Florida Constitution; for a writ of mandamus directing the Speaker of the House of Representatives, the President of the Senate, the Florida House of Representatives and the Florida Senate to comply with the single-subject requirement of Article III, Section 6 of the Florida Constitution as it relates to HB 7069; for a writ of mandamus directing the Secretary of State, Ken Detzner, to expunge HB 7069 from the official records of the State of Florida as being an unconstitutional law enacted in violation of Article III, Section 6 of the Florida Constitution; and for a writ of mandamus directing for Pam Stewart, the Florida Commissioner of Education, to halt any and all implementation of HB 7069 presently occurring.

Respectfully submitted this 13th day of November, 2017.



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*Attorneys for Petitioners*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been provided to the following pursuant to 9.420(c) Florida Rules of Procedure and Rule 2.516(b) Florida Rule of Judicial Administration, by electronic mail on this 13th day of November, 2017:

|  |  |
|--|--|
| <p>Richard Corcoran<br/>Speaker<br/>Florida House of Representatives<br/>420 The Capitol<br/>402 S. Monroe Street<br/>Tallahassee, FL 32399<br/>(850) 717-5037<br/><a href="mailto:Richard.Corcoran@myfloridahouse.gov">Richard.Corcoran@myfloridahouse.gov</a></p>  | <p>Joe Negron<br/>President<br/>Florida Senate<br/>409 The Capitol<br/>404 S. Monroe Street<br/>Tallahassee, FL 32399<br/>(850) 487-5229<br/><a href="mailto:Negron.Joe@flsenate.gov">Negron.Joe@flsenate.gov</a></p>  |
| <p><i>General Counsel for the Florida House of Representatives</i></p> <p>Adam Tanenbaum, Esq.<br/>Office of General Counsel<br/>Florida House of Representatives<br/>418 The Capitol<br/>402 S. Monroe Street<br/>Tallahassee, FL 32399<br/>(850) 717-5000<br/><a href="mailto:Adam.Tanenbam@myfloridahouse.gov">Adam.Tanenbam@myfloridahouse.gov</a></p>                                 | <p><i>General Counsel for the Florida Senate</i></p> <p>Dawn Roberts, Esq.<br/>Office of General Counsel<br/>Florida Senate<br/>302 The Capitol<br/>404 S. Monroe Street<br/>Tallahassee, FL 32399<br/>(850) 487-52337<br/><a href="mailto:Roberts.Dawn@flsenate.gov">Roberts.Dawn@flsenate.gov</a></p>  |
| <p>Ken Detzner<br/>Secretary of State<br/>State of Florida<br/>R.A. Gray Building<br/>500 S. Bronough Street<br/>Tallahassee, FL 32399<br/>(850) 245-6500<br/><a href="mailto:SecretaryofState@DOS.MyFlorida.com">SecretaryofState@DOS.MyFlorida.com</a></p>   | <p>Pam Stewart<br/>Commissioner<br/>Florida Department of Education<br/>Turlington Building, Suit 1514<br/>325 West Gaines Street<br/>Tallahassee, FL 32399<br/>(850) 245-0505<br/><a href="mailto:Commissioner@fldoe.org">Commissioner@fldoe.org</a></p>  |
| <p><i>General Counsel for Ken Detzner in his official capacity as Secretary of State for the State of Florida</i></p> <p>David A. Fugett, Esq.<br/>Office of General Counsel<br/>Secretary of State<br/>R.A. Gray Bldg.<br/>500 S. Bronough Street<br/>Tallahassee, FL 32301<br/>(850) 245-6536<br/><a href="mailto:David.Fugett@DOS.myflorida.com">David.Fugett@DOS.myflorida.com</a></p> | <p><i>General Counsel for Pam Stewart in her official capacity as Florida Commissioner of Education</i></p> <p>Matthew H. Mears, Esq.<br/>Office of General Counsel<br/>Department of Education<br/>Turlington Building, Suite 1244<br/>325 West Gaines Street<br/>Tallahassee, FL 32399<br/>(850) 245-0442<br/><a href="mailto:Matthew.Mears@fldoe.org">Matthew.Mears@fldoe.org</a></p> |



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**CERTIFICATE OF COMPLIANCE WITH RULE 9.100**

I HEREBY CERTIFY that this petition complies with the font requirements of Florida Rule of Appellate Procedure 9.100.



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# **EXHIBIT 1**





26 | best and brightest principals with specified  
 27 | additional authority and responsibilities; defining  
 28 | the term "school district"; providing an effective  
 29 | date.  
 30 |

31 | Be It Enacted by the Legislature of the State of Florida:  
 32 |

33 | Section 1. Subsections (3), (4), and (8) of section  
 34 | 1012.731, Florida Statutes, are amended to read:

35 | 1012.731 The Florida Best and Brightest Teacher  
 36 | Scholarship Program.—

37 | (3)(a) To be eligible for a scholarship, a classroom  
 38 | teacher must:

39 | 1. Have achieved a composite score at or above the 75th  
 40 | ~~80th~~ percentile or, if the classroom teacher graduated cum laude  
 41 | or higher with a baccalaureate degree, the 70th percentile on  
 42 | either the SAT, or the ACT, GRE, LSAT, GMAT, or MCAT based on  
 43 | the National Percentile Ranks in effect when the classroom  
 44 | teacher took the assessment.

45 | 2. ~~and~~ Have been evaluated as highly effective pursuant to  
 46 | s. 1012.34, or have been evaluated as highly effective based on  
 47 | a commissioner-approved student learning growth formula pursuant  
 48 | to s. 1012.34(8), in the school year immediately preceding the  
 49 | year in which the scholarship will be awarded, unless the  
 50 | classroom teacher is newly hired by the district school board

51 and has not been evaluated pursuant to s. 1012.34.

52 (b) In order to demonstrate eligibility for an award, an  
 53 eligible classroom teacher must submit to the school district,  
 54 no later than November 1, an official record of his or her  
 55 qualifying assessment ~~SAT or ACT score~~ and, if applicable, an  
 56 official transcript demonstrating that he or she graduated cum  
 57 laude or higher with a baccalaureate degree ~~the classroom~~  
 58 ~~teacher scored at or above the 80th percentile based on the~~  
 59 ~~National Percentile Ranks in effect when the teacher took the~~  
 60 ~~assessment.~~ Once a classroom teacher is deemed eligible by the  
 61 school district, ~~including teachers deemed eligible in the 2015-~~  
 62 ~~2016 fiscal year,~~ the teacher shall remain eligible as long as  
 63 he or she remains employed by the school district as a classroom  
 64 teacher at the time of the award and receives an annual  
 65 performance evaluation rating of highly effective pursuant to s.  
 66 1012.34 or is evaluated as highly effective based on a  
 67 commissioner-approved student learning growth formula pursuant  
 68 to s. 1012.34(8).

69 (4) Annually, by December 1, each school district shall  
 70 submit to the department:

71 (a) The number of eligible classroom teachers who qualify  
 72 for the scholarship.

73 (b) The name and master school identification number  
 74 (MSID) of each school in the district to which an eligible  
 75 classroom teacher is assigned.

76 (c) The name of the school principal of each eligible  
 77 classroom teacher's school if he or she has served as the  
 78 school's principal for at least 2 consecutive school years  
 79 including the current school year.

80 ~~(8) This section expires July 1, 2017.~~

81 Section 2. Section 1012.732, Florida Statutes, is created  
 82 to read:

83 1012.732 The Florida Best and Brightest Principal  
 84 Scholarship Program.—

85 (1) The Legislature recognizes that the most effective  
 86 school principals establish a safe and supportive school  
 87 environment for students and faculty. Research shows that these  
 88 principals increase student learning by providing opportunities  
 89 for the professional growth, collaboration, and autonomy that  
 90 classroom teachers need to become and remain highly effective  
 91 educational professionals. As a result, these principals are  
 92 able to recruit and retain more of the best classroom teachers  
 93 and improve student outcomes at their schools, including schools  
 94 serving low-income and high-need student populations. Therefore,  
 95 it is the intent of the Legislature to designate school  
 96 principals whose school faculty has a high percentage of  
 97 classroom teachers who are designated as Florida's best and  
 98 brightest teacher scholars pursuant to s. 1012.731 as Florida's  
 99 best and brightest principals.

100 (2) There is created the Florida Best and Brightest

101 Principal Scholarship Program to be administered by the  
102 Department of Education. The program shall provide categorical  
103 funding for scholarships to be awarded to school principals, as  
104 defined in s. 1012.01(3)(c)1., who have recruited and retained a  
105 high percentage of best and brightest teachers.

106 (3) A school principal identified pursuant to s.  
107 1012.731(4)(c) is eligible to receive a scholarship under this  
108 section if he or she has served as school principal at his or  
109 her school for at least 2 consecutive school years including the  
110 current school year and his or her school has a ratio of best  
111 and brightest teachers to other classroom teachers that is at  
112 the 80th percentile or higher for schools within the same grade  
113 group, statewide, including elementary schools, middle schools,  
114 high schools, and schools with a combination of grade levels.

115 (4) Annually, by February 1, the department shall identify  
116 eligible school principals and disburse funds to each school  
117 district for each eligible school principal to receive a  
118 scholarship as provided in the General Appropriations Act. A  
119 scholarship must be awarded to every eligible school principal,  
120 with a greater scholarship amount awarded to school principals  
121 who are assigned to a Title I school. If the number of eligible  
122 school principals exceeds the total appropriation authorized in  
123 the General Appropriations Act, the department shall prorate  
124 each school principal's scholarship in a manner consistent with  
125 this subsection.

126        (5) Annually, by April 1, each school district must award  
 127 a scholarship to each eligible school principal.

128        (6) A school district must provide a best and brightest  
 129 principal with the additional authority and responsibilities  
 130 provided in s. 1012.28(8) for a minimum of 2 years.

131        (7) For purposes of this section, the term "school  
 132 district" includes the Florida School for the Deaf and the Blind  
 133 and charter school governing boards.

134        Section 3. This act shall take effect July 1, 2017.

# **EXHIBIT 2**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2017)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

|                       |             |       |
|-----------------------|-------------|-------|
| ADOPTED               | <u>    </u> | (Y/N) |
| ADOPTED AS AMENDED    | <u>    </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u>    </u> | (Y/N) |
| FAILED TO ADOPT       | <u>    </u> | (Y/N) |
| WITHDRAWN             | <u>    </u> | (Y/N) |
| OTHER                 | <u>    </u> |       |

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Diaz, M. offered the following:

3

4 **Amendment**

5 Remove lines 40-42 and insert:

6 1. Have achieved a composite score at or above the 77th  
7 ~~80th~~ percentile on



# EXHIBIT 3

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

|                       |             |       |
|-----------------------|-------------|-------|
| ADOPTED               | <u>    </u> | (Y/N) |
| ADOPTED AS AMENDED    | <u>    </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u>    </u> | (Y/N) |
| FAILED TO ADOPT       | <u>    </u> | (Y/N) |
| WITHDRAWN             | <u>    </u> | (Y/N) |
| OTHER                 | <u>    </u> |       |

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Diaz, M. offered the following:

**Amendment (with title amendment)**

Remove lines 56-61 and insert:

6 qualifying assessment ~~SAT or ACT~~ score demonstrating that the  
 7 classroom teacher scored at or above the 77<sup>th</sup> ~~80<sup>th</sup>~~ percentile  
 8 based on the National Percentile Ranks in effect when the  
 9 teacher took the assessment. Once a classroom teacher is deemed  
 10 eligible by the

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

Remove lines 5-8 and insert:

15 Brightest Teacher Program; providing for retention of a  
 16 classroom

# **EXHIBIT 4**

ENROLLED

CS/HB 7069, Engrossed 1

2017 Legislature

1  
2 An act relating to education; amending s. 11.45, F.S.;  
3 requiring the Auditor General to conduct annual audits  
4 of the Florida School for the Deaf and the Blind;  
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 recalculation of  
11 specified funds; requiring that the lowest-performing  
12 elementary schools be determined by specified  
13 assessment results; deleting provisions relating to  
14 caps imposed on the amounts of bonuses awarded to  
15 teachers based on student performance on certain  
16 course examinations and certifications; requiring a  
17 specified amount of funds generated by a certain bonus  
18 be allocated to the school program that generated the  
19 funds; providing for the allocation of supplemental  
20 academic instruction funds; revising the requirements  
21 to be considered a small, isolated school; revising  
22 the requirements for an independent college or  
23 university to participate in specified programs;  
24 providing an alternate district sparsity index  
25 calculation for certain school districts; revising

ENROLLED

CS/HB 7069, Engrossed 1

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26 provisions relating to the research-based reading  
27 instruction allocation and the use of such funds;  
28 revising provisions relating to the Florida digital  
29 classrooms allocation and the use of such funds;  
30 deleting provisions relating to a required district  
31 digital classrooms plan; revising the federally  
32 connected student supplement; revising the calculation  
33 of the exempt property allocation; providing for the  
34 recalculation of the supplement; creating the safe  
35 schools allocation and providing the purpose of the  
36 allocation; providing that under allocations of state  
37 funds may not be the basis for a positive allocation  
38 adjustment in the current year; conforming provisions  
39 to changes by the act; amending s. 1013.738, F.S.;  
40 revising the purposes for which the High Growth  
41 District Capital Outlay Assistance Grant Program funds  
42 may be used; revising the school district  
43 qualification criteria for the grant; revising the  
44 funding methodology; amending s. 1011.78, F.S.;  
45 revising school district and charter school  
46 requirements to qualify for a standard student attire  
47 incentive payment; creating s. 1003.631, F.S.;  
48 creating the Schools of Excellence Program; providing  
49 for designation as a School of Excellence; providing  
50 requirements for a School of Excellence; providing for

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51 redesignation; authorizing Schools of Excellence to  
52 have specified administrative flexibilities; amending  
53 s. 1012.56, F.S.; requiring the Department of  
54 Education to issue a temporary educator certificate  
55 within a specified period; requiring the department to  
56 provide electronic notice of the issuance of a  
57 temporary certificate to specified entities; requiring  
58 the department to provide the applicant an official  
59 statement of status of eligibility upon issuance of a  
60 temporary certificate; providing content requirements  
61 for the statement of status of eligibility; revising  
62 the criteria instructional personnel must meet to be  
63 issued a professional certificate; requiring the  
64 department to provide electronic notification of the  
65 expiration of a temporary educator certificate;  
66 requiring the State Board of Education to adopt rules  
67 providing for the extension of a temporary educator  
68 certificate for a specified period under certain  
69 circumstances; providing that an applicant for  
70 professional certification is not required to take or  
71 pass a specified examination under certain  
72 circumstances; authorizing charter schools and charter  
73 management organizations to develop a professional  
74 development certification and education competency  
75 program; revising program requirements; requiring the

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76 | department to adopt standards for the approval of such  
77 | programs by a specified date; providing requirements  
78 | for such standards; requiring each school district and  
79 | charter school to submit its program for approval by a  
80 | specified date; providing that certification  
81 | requirements may not be met in a program that is not  
82 | approved by the department after a specified date;  
83 | amending s. 1004.04, F.S.; revising core curricula  
84 | requirements for certain teacher preparation programs  
85 | to include certain reading instruction and  
86 | interventions; amending s. 1004.85, F.S.; requiring  
87 | certain educator preparation institutes to provide  
88 | evidence of specified reading instruction as a  
89 | condition of program approval and continued approval;  
90 | amending s. 1012.585, F.S.; revising requirements for  
91 | renewal of professional teaching certificates;  
92 | amending s. 1012.586, F.S.; authorizing the department  
93 | to recommend consolidation of endorsement areas and  
94 | requirements for endorsements for teacher  
95 | certificates; requiring the department to review and  
96 | make recommendations regarding certain subject  
97 | coverage or endorsement requirements; providing  
98 | construction; amending s. 1012.98, F.S.; revising the  
99 | activities designed to implement the school community  
100 | professional development act to include specified

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101 training relating to a professional development  
 102 certification and education competency program;  
 103 revising requirements for school district professional  
 104 development systems; requiring the department to  
 105 disseminate professional development programs that  
 106 meet specified criteria; creating s. 683.1455, F.S.;  
 107 designating the month of September annually as  
 108 "American Founders' Month"; authorizing the Governor  
 109 to annually issue a proclamation containing specified  
 110 information; amending s. 1000.03, F.S.; revising the  
 111 priorities of Florida's K-20 education system to  
 112 include civic literacy; amending s. 1001.215, F.S.;  
 113 revising the duties of the Just Read, Florida! Office;  
 114 amending s. 1003.44, F.S.; encouraging public schools  
 115 to coordinate certain instruction with American  
 116 Founders' Month; amending s. 1007.25, F.S.; requiring  
 117 postsecondary students to demonstrate competency in  
 118 civic literacy and providing requirements therefor;  
 119 providing for the appointment of a faculty committee;  
 120 requiring the committee to develop or revise certain  
 121 courses and establish specified course competencies;  
 122 amending ss. 943.22 and 1001.64, F.S.; conforming  
 123 cross-references; amending s. 1002.33, F.S.;  
 124 conforming provisions to changes by the act; revising  
 125 the charter school application process; revising the



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126 | appeals process for a denied charter school  
 127 | application; requiring the use of the standard charter  
 128 | contract by specified entities; revising eligibility  
 129 | requirements for charter school students enrolled in  
 130 | blended learning courses; revising the criteria for  
 131 | certain charter schools that must follow corrective  
 132 | actions; authorizing a charter school to be exempt  
 133 | from provisions relating to controlled open enrollment  
 134 | under certain circumstances; clarifying provisions  
 135 | relating to charter schools and tort liability;  
 136 | revising the purpose of charter school cooperatives;  
 137 | authorizing the use of unrestricted assets for  
 138 | specified charter schools; requiring such funds to be  
 139 | used in accordance with specified provisions;  
 140 | prohibiting the adoption or imposition of specified  
 141 | requirements by specified entities for charter  
 142 | schools; revising the public information disclosures  
 143 | of charter schools; authorizing certain entities to  
 144 | share facilities with charter schools without  
 145 | additional approval; providing charter schools are  
 146 | eligible for capital outlay funds pursuant to  
 147 | specified provisions; revising the administrative fees  
 148 | that a district may withhold from charter schools;  
 149 | requiring charter schools to complete and submit an  
 150 | annual survey; deleting a requirement that the

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151 Department of Education compare certain data; revising  
 152 eligibility criteria for designated local educational  
 153 agency status; authorizing the governing board of a  
 154 charter school system to be designated a local  
 155 educational agency for certain schools; revising State  
 156 Board of Education duties; amending 1002.3305, F.S.;  
 157 revising the definition for the term "eligible  
 158 student" for purposes of the College-preparatory  
 159 Boarding Academy Pilot Program; amending s. 1002.331,  
 160 F.S.; conforming provisions to changes made by the  
 161 act; authorizing a high-performing charter school to  
 162 establish more than one charter school in any year  
 163 under certain circumstances; amending s. 1002.332,  
 164 F.S.; authorizing a high-performing charter school  
 165 system to replicate its schools in any school district  
 166 and providing application requirements therefor;  
 167 providing that certain procedures apply in specified  
 168 circumstances; conforming cross-references; amending  
 169 s. 1003.498, F.S.; revising eligibility requirements  
 170 for students enrolled in blended learning courses;  
 171 conforming provisions to changes made by the act;  
 172 amending s. 1007.35, F.S.; revising the name of an ACT  
 173 assessment for specified purposes; amending s.  
 174 1008.34, F.S.; revising the student performance data  
 175 to be included in school grades; amending s. 1008.341,

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176 F.S.; including concordant scores in the calculation  
 177 of an alternative school's school improvement rating;  
 178 amending s. 1011.71, F.S.; providing that charter  
 179 schools are eligible for school districts  
 180 discretionary millage for specified purposes; revising  
 181 the approved uses of the discretionary millage;  
 182 authorizing the acquisition of enterprise resource  
 183 software through specified means; amending s. 1013.54,  
 184 F.S.; conforming a cross-reference; amending s.  
 185 1013.62, F.S.; providing that charter school capital  
 186 outlay funds shall consist of specified funds;  
 187 revising charter school eligibility criteria for  
 188 capital outlay funds; revising the calculation  
 189 methodology for state funds appropriated for charter  
 190 school capital outlay; providing the calculation  
 191 methodology for the distribution of specified revenue  
 192 to eligible charter schools; revising the authorized  
 193 uses of charter school capital outlay funds; amending  
 194 s. 1013.64, F.S.; revising the calculation of capital  
 195 outlay membership for allocations to school districts  
 196 from the Public Education Capital Outlay and Debt  
 197 Service Trust Fund; authorizing a district school  
 198 board to use funds from any source for the new  
 199 construction of educational plant space under certain  
 200 circumstances; amending s. 1003.4282, F.S.; deleting a

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201 provision requiring certain students to take the  
 202 Algebra II end-of-course assessment; revising the  
 203 options that a district school board or charter school  
 204 governing board may offer for a student to satisfy  
 205 certain online course requirements; removing a  
 206 requirement that a student participating in  
 207 interscholastic sports pass a competency test on  
 208 personal fitness to satisfy the physical education  
 209 credit requirement for high school graduation;  
 210 amending s. 1003.4285, F.S.; deleting a provision  
 211 requiring students to pass the Algebra II end-of-  
 212 course assessment in order to earn a Scholar  
 213 designation; amending s. 1008.22, F.S.; deleting a  
 214 provision requiring the Algebra II end-of-course  
 215 assessment to be administered; revising requirements  
 216 relating to the administration and format of  
 217 assessments; providing requirements for administration  
 218 of the statewide, standardized English Language Arts  
 219 and mathematics assessments in specified grades;  
 220 revising provisions relating to reporting requirements  
 221 for school district-required local assessments;  
 222 providing reporting requirements for certain student  
 223 assessment results; requiring the Department of  
 224 Education to publish certain assessments on its  
 225 website; providing requirements for such publication;

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226 requiring the department to provide materials  
 227 regarding assessment information on its website;  
 228 conforming cross-references; defining the term  
 229 "secondary education"; amending s. 1012.34, F.S.;  
 230 revising personnel evaluation procedures and criteria;  
 231 requiring independent analysis of student learning  
 232 growth data; authorizing, rather than requiring, a  
 233 school district to use certain formulas developed by  
 234 the commissioner; requiring the Commissioner of  
 235 Education to contract for an independent study to  
 236 determine whether specified college entrance  
 237 examinations may be administered in lieu of certain  
 238 state-required assessments; requiring the commissioner  
 239 to submit a report on the results of such study to the  
 240 Governor, Legislature, and State Board of Education by  
 241 a specified date; amending s. 1001.42, F.S.; revising  
 242 provisions relating to school improvements plans;  
 243 requiring only specified schools to submit a school  
 244 improvement plan; deleting a requirement that certain  
 245 information be included in the improvement plans of  
 246 certain schools; revising the grade levels required to  
 247 implement an early warning system; revising the  
 248 required content of an early warning system; requiring  
 249 a specified team to monitor specified data;  
 250 authorizing a psychologist to be a member of the team;

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251 |       revising what constitutes an educational emergency and  
 252 |       establishing duties of district school boards relating  
 253 |       to such emergency; prohibiting a district school board  
 254 |       from awarding specified contracts based on certain  
 255 |       contingency or conditions; providing applicability;  
 256 |       providing a directive to the Division of Law Revision  
 257 |       and Information; creating s. 1001.4205, F.S.;;  
 258 |       authorizing an individual district school board member  
 259 |       to visit any district school in his or her school  
 260 |       district; authorizing an individual charter school  
 261 |       governing board member to visit any charter school  
 262 |       governed by the charter school's governing board;  
 263 |       providing requirements and restrictions; amending s.  
 264 |       1008.33, F.S.; providing requirements the intervention  
 265 |       and support strategies must meet; providing for  
 266 |       tailored intervention and support services for  
 267 |       specified schools; revising the required timeline for  
 268 |       the implementation of a district-managed turnaround  
 269 |       plan; providing turnaround options available to school  
 270 |       districts meeting specified criteria; amending s.  
 271 |       1008.345, F.S.; revising reporting requirements of the  
 272 |       Commissioner of Education relating to the state system  
 273 |       of school improvement and education accountability;  
 274 |       revising the criteria a school must meet to have a  
 275 |       community assessment team; revising the duties of a

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276 | community assessment team; creating s. 1002.333, F.S.,  
277 | relating to persistently low-performing schools;  
278 | providing definitions; providing eligibility criteria  
279 | for hope operators; providing for the designation and  
280 | redesignation of a hope operator; authorizing hope  
281 | operators to establish schools of hope in specified  
282 | areas; providing the process for the establishment of  
283 | a school of hope; providing the requirements for a  
284 | performance-based agreement; authorizing a school of  
285 | hope to be designated as a local education agency;  
286 | providing that a sponsor is not liable for specified  
287 | damages; providing that a school of hope may be a  
288 | private or public employer; authorizing a school of  
289 | hope to participate in the Florida Retirement System;  
290 | authorizing a hope operator to employ certain staff;  
291 | providing specific statutory exemptions for schools of  
292 | hope; requiring a school of hope to report its  
293 | students for specified purposes; requiring a school  
294 | district to include specified students in the  
295 | district's report of student enrollment; requiring  
296 | certain schools to comply with specified reporting  
297 | guidelines; requiring a school of hope to provide the  
298 | school district with a financial statement summary  
299 | sheet that meets certain requirements; providing  
300 | requirements for facilities used by schools of hope;

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301 requiring districts to annually provide a list of  
 302 specified property to the department; requiring  
 303 certain school districts that do not enter into  
 304 specified agreements within a certain timeframe to  
 305 reduce specified fees; providing for attorney fees  
 306 under certain circumstances; providing that schools of  
 307 hope shall be funded through the Florida Education  
 308 Finance Program; creating the Schools of Hope Program;  
 309 providing that schools of hope are eligible for funds  
 310 through the program; providing guidelines for the use  
 311 of such funds; providing that certain traditional  
 312 public schools are eligible for such funds; providing  
 313 duties of the State Board of Education; providing a  
 314 mechanism to address school district noncompliance;  
 315 providing authority and obligations of the State Board  
 316 of Education; providing a mechanism for the resolution  
 317 of disputes; providing for rulemaking; creating s.  
 318 1001.291, F.S.; establishing the Schools of Hope  
 319 Revolving Loan Program; providing criteria for  
 320 administration of the program; amending s. 1011.69,  
 321 F.S.; requiring school districts to provide specified  
 322 funds directly to schools eligible to receive such  
 323 funds; providing a definition; authorizing school  
 324 districts to withhold certain funds for specified  
 325 purposes; authorizing eligible schools to use funds to



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326 | participate in certain services; amending s. 1012.731,  
327 | F.S.; providing the scholarship amount for the Florida  
328 | Best and Brightest Teacher Scholarship Program;  
329 | revising the future eligibility criteria for the  
330 | program; providing additional scholarships to certain  
331 | teachers for specified school years; providing for  
332 | retention of a classroom teacher's scholarship  
333 | eligibility under certain circumstances; requiring  
334 | each school district to annually submit certain  
335 | information to the Department of Education; deleting  
336 | the scheduled expiration of the section; creating s.  
337 | 1012.732, F.S.; creating the Florida Best and  
338 | Brightest Principal Scholarship Program; providing  
339 | legislative intent; providing for funding of the  
340 | program; providing for certain school principals to  
341 | receive a scholarship under the program; providing  
342 | eligibility requirements; providing scholarship  
343 | amounts; requiring the department to annually identify  
344 | eligible school principals and disburse funds to  
345 | school districts by a specified date; requiring each  
346 | eligible school principal to receive a scholarship;  
347 | requiring school districts to annually award  
348 | scholarships to eligible school principals by a  
349 | specified date; requiring school districts to provide  
350 | best and brightest principals with specified

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351 additional authority and responsibilities; defining  
352 the term "school district"; amending s. 1002.385,  
353 F.S.; revising a definition for the Gardiner  
354 Scholarship Program; defining the term "inactive" for  
355 the purposes of the program; authorizing program funds  
356 to be used for specified purposes and by specified  
357 entities; prohibiting billing of certain entities for  
358 services paid for through the program; revising  
359 private school eligibility requirements; providing  
360 that consecutive years of certain material exceptions  
361 constitutes program ineligibility for certain private  
362 schools; prohibiting certain students from receiving  
363 additional scholarship payments until certain  
364 conditions are met; revising funding calculations;  
365 amending s. 1003.455, F.S.; requiring district school  
366 boards to provide a specified amount of recess to  
367 certain students; amending s. 1002.37, F.S.; revising  
368 eligibility requirements for specified students to  
369 receive part-time instruction at the Florida Virtual  
370 School; removing provisions requiring the Auditor  
371 General to conduct an operational audit of the Florida  
372 Virtual School; amending s. 1002.455, F.S.;

373 authorizing all students, including home education and  
374 private school students, to participate in specified  
375 virtual instruction options; deleting the eligibility

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376 criteria for a student to participate in virtual  
377 instruction; amending s. 1002.45, F.S.; revising  
378 student eligibility and participation requirements for  
379 virtual instruction programs; amending s. 1002.20,  
380 F.S.; revising requirements for notifying a parent of  
381 a student with a substantial reading deficiency;  
382 authorizing a parent to request and be granted  
383 permission for a student's absence from school for  
384 treatment of autism spectrum disorder by a licensed  
385 health care practitioner; authorizing a student to  
386 possess and use a topical sunscreen while on school  
387 property or at a school-sponsored event or activity  
388 under certain circumstances; amending s. 1002.69,  
389 F.S.; requiring data from the statewide kindergarten  
390 screening to be used to identify certain students;  
391 amending s. 1008.25, F.S.; requiring district school  
392 boards to allocate certain instruction resources to  
393 certain students deficient in reading; revising  
394 criteria and requiring the State Board of Education to  
395 identify guidelines for determining whether certain  
396 students have a substantial deficiency in reading;  
397 providing that students with a substantial reading  
398 deficiency must be covered by certain plans; revising  
399 the parental notification requirements for students  
400 with a substantial deficiency in reading; requiring

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401 the Department of Education to develop or contract  
402 with another entity to develop a handbook containing  
403 specific information for parents of students with a  
404 substantial reading deficiency; defining the terms  
405 "dyslexia" and "dyscalculia"; requiring schools to  
406 provide certain instruction to students who received a  
407 good cause exemption from retention; revising grounds  
408 for such good cause exemption; revising intervention  
409 requirements for certain retained students; revising  
410 provisions relating to the Intensive Acceleration  
411 Class for retained students in certain grades;  
412 revising student progress evaluation requirements;  
413 amending s. 1011.67, F.S.; revising the contents of a  
414 comprehensive staff development plan required for each  
415 school district to receive instructional materials  
416 funds; amending s. 1002.51, F.S.; defining the term  
417 "public school prekindergarten provider"; amending s.  
418 1003.21, F.S.; requiring each district school board to  
419 adopt an attendance policy authorizing a student's  
420 absence for treatment of autism spectrum disorder;  
421 amending s. 1003.24, F.S.; revising an exemption  
422 relating to parental responsibility for nonattendance  
423 of a student to include treatment for autism spectrum  
424 disorder; amending s. 1003.4156, F.S.; deleting  
425 requirements relating to the career and education

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426 | planning course for middle grades promotion; amending  
 427 | s. 1003.57, F.S.; prohibiting certain school districts  
 428 | from declining to provide or contract for certain  
 429 | students' educational instruction; providing for  
 430 | funding of such students; amending s. 1006.40, F.S.;  
 431 | providing an exception from the required uses of a  
 432 | specified allocation for certain school districts;  
 433 | amending s. 1009.60, F.S.; revising eligibility  
 434 | criteria for receipt of a minority teacher education  
 435 | scholarship; amending s. 1009.605, F.S.; revising the  
 436 | scholar awards on which the Florida Fund for Minority  
 437 | Teachers, Inc.'s, budget projection must be based;  
 438 | creating the Committee on Early Grade Success within  
 439 | the Department of Education; specifying committee  
 440 | purpose; requiring the committee to develop a proposal  
 441 | for specified purposes; providing proposal  
 442 | requirements; providing for membership of the  
 443 | committee; providing requirements for electing a  
 444 | committee chair and vice chair; providing committee  
 445 | meeting requirements; requiring the University of  
 446 | Florida Lastinger Center for Learning to provide  
 447 | necessary staff for the committee; requiring the  
 448 | committee to submit a report by a specified date;  
 449 | providing for the expiration of the committee;  
 450 | authorizing rulemaking; creating s. 1013.101, F.S.;

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451 providing legislative findings and intent; defining  
452 terms; requiring the Department of Education to  
453 provide specified assistance to school districts;  
454 creating the Shared Use Task Force within the  
455 department; specifying the purpose and membership of  
456 the task force; providing requirements for electing a  
457 task force chair and vice chair and conducting its  
458 meetings; requiring the department to provide the task  
459 force with necessary staff; requiring the task force  
460 to submit a report to the Legislature by a specified  
461 date; providing for expiration of the task force;  
462 amending s. 125.901, F.S.; providing that the  
463 membership of the governing body of certain  
464 independent special districts in specified counties  
465 may include the designee of the superintendent of  
466 schools in lieu of the superintendent; creating s.  
467 1003.481, F.S.; creating the Early Childhood Music  
468 Education Incentive Pilot Program within the  
469 Department of Education for a specified period;  
470 providing for school district eligibility; providing  
471 comprehensive music education program requirements;  
472 providing for school district selection, funding, and  
473 program payments; requiring selected school districts  
474 to annually provide a specified certification to the  
475 Commissioner of Education; requiring a selected school

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476 district to return funds under certain circumstances;  
 477 requiring the University of Florida's College of  
 478 Education to perform an evaluation; authorizing the  
 479 State Board of Education to adopt rules; providing for  
 480 expiration of the pilot program; providing for  
 481 severability; providing appropriations; providing  
 482 effective dates.

483

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

485

486 Section 1. Upon the expiration and reversion of the  
 487 amendment to section 11.45, Florida Statutes, pursuant to  
 488 section 36 of chapter 2016-62, Laws of Florida, paragraph (d) of  
 489 subsection (2) of section 11.45, Florida Statutes, is amended to  
 490 read:

491 11.45 Definitions; duties; authorities; reports; rules.—

492 (2) DUTIES.—The Auditor General shall:

493 (d) Annually conduct financial audits of the accounts and  
 494 records of all district school boards in counties with  
 495 populations of fewer than 150,000, according to the most recent  
 496 federal decennial statewide census, and the Florida School for  
 497 the Deaf and the Blind.

498

499 The Auditor General shall perform his or her duties  
 500 independently but under the general policies established by the

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501 Legislative Auditing Committee. This subsection does not limit  
 502 the Auditor General's discretionary authority to conduct other  
 503 audits or engagements of governmental entities as authorized in  
 504 subsection (3).

505 Section 2. Paragraph (c) of subsection (3) of section  
 506 1002.71, Florida Statutes, is amended to read:

507 1002.71 Funding; financial and attendance reporting.—

508 (3)

509 (c) The initial allocation shall be based on estimated  
 510 student enrollment in each coalition service area. The Office of  
 511 Early Learning shall reallocate funds among the coalitions based  
 512 on actual full-time equivalent student enrollment in each  
 513 coalition service area. Each coalition shall report student  
 514 enrollment pursuant to subsection (2) on a monthly basis. A  
 515 student enrollment count for the prior fiscal year may not be  
 516 amended after September 30 ~~December 31~~ of the subsequent fiscal  
 517 year.

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

520 1003.52 Educational services in Department of Juvenile  
 521 Justice programs.—

522 ~~(21) The education programs at the Florida School for Boys~~  
 523 ~~in Okeechobee shall be operated by the Department of Education,~~  
 524 ~~either directly or through grants or contractual agreements with~~  
 525 ~~other public or duly accredited education agencies approved by~~



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526 | ~~the Department of Education.~~

527 |       Section 4. Upon the expiration and reversion of the  
 528 | amendments to section 1011.62, Florida Statutes, pursuant to  
 529 | section 23 of chapter 2016-62, Laws of Florida, subsections (15)  
 530 | and (16) are renumbered as subsections (16) and (17),  
 531 | respectively, paragraphs (e), (f), (h), and (i) and paragraphs  
 532 | (1) through (o) of subsection (1), paragraph (a) of subsection  
 533 | (4), paragraph (b) of subsection (7), paragraphs (a), (c), and  
 534 | (d) of subsection (9), subsections (11), (12), (13), and (14),  
 535 | and paragraph (b) of present subsection (15) of section 1011.62,  
 536 | Florida Statutes, are amended, and a new subsection (13) is  
 537 | added to that section, to read:

538 |       1011.62 Funds for operation of schools.—If the annual  
 539 | allocation from the Florida Education Finance Program to each  
 540 | district for operation of schools is not determined in the  
 541 | annual appropriations act or the substantive bill implementing  
 542 | the annual appropriations act, it shall be determined as  
 543 | follows:

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

548 |       (e) *Funding model for exceptional student education*  
 549 | *programs.*—

550 |       1.a. The funding model uses basic, at-risk, support levels

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551 IV and V for exceptional students and career Florida Education  
552 Finance Program cost factors, and a guaranteed allocation for  
553 exceptional student education programs. Exceptional education  
554 cost factors are determined by using a matrix of services to  
555 document the services that each exceptional student will  
556 receive. The nature and intensity of the services indicated on  
557 the matrix shall be consistent with the services described in  
558 each exceptional student's individual educational plan. The  
559 Department of Education shall review and revise the descriptions  
560 of the services and supports included in the matrix of services  
561 for exceptional students and shall implement those revisions  
562 before the beginning of the 2012-2013 school year.

563 b. In order to generate funds using one of the two  
564 weighted cost factors, a matrix of services must be completed at  
565 the time of the student's initial placement into an exceptional  
566 student education program and at least once every 3 years by  
567 personnel who have received approved training. Nothing listed in  
568 the matrix shall be construed as limiting the services a school  
569 district must provide in order to ensure that exceptional  
570 students are provided a free, appropriate public education.

571 c. Students identified as exceptional, in accordance with  
572 chapter 6A-6, Florida Administrative Code, who do not have a  
573 matrix of services as specified in sub-subparagraph b. shall  
574 generate funds on the basis of full-time-equivalent student  
575 membership in the Florida Education Finance Program at the same

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576 funding level per student as provided for basic students.  
577 Additional funds for these exceptional students will be provided  
578 through the guaranteed allocation designated in subparagraph 2.  
579 2. For students identified as exceptional who do not have  
580 a matrix of services and students who are gifted in grades K  
581 through 8, there is created a guaranteed allocation to provide  
582 these students with a free appropriate public education, in  
583 accordance with s. 1001.42(4)(1) and rules of the State Board of  
584 Education, which shall be allocated initially to each school  
585 district in the amount provided in the General Appropriations  
586 Act. These funds shall be supplemental to the funds appropriated  
587 for the basic funding level, and the amount allocated for each  
588 school district shall be recalculated ~~once~~ during the year,  
589 based on actual student membership from ~~the October~~ FTE surveys  
590 survey. Upon recalculation, if the generated allocation is  
591 greater than the amount provided in the General Appropriations  
592 Act, the total shall be prorated to the level of the  
593 appropriation based on each district's share of the total  
594 recalculated amount. These funds shall be used to provide  
595 special education and related services for exceptional students  
596 and students who are gifted in grades K through 8. A district's  
597 expenditure of funds from the guaranteed allocation for students  
598 in grades 9 through 12 who are gifted may not be greater than  
599 the amount expended during the 2006-2007 fiscal year for gifted  
600 students in grades 9 through 12.

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601 (f) *Supplemental academic instruction; categorical fund.*-

602 1. There is created a categorical fund to provide  
 603 supplemental academic instruction to students in kindergarten  
 604 through grade 12. This paragraph may be cited as the  
 605 "Supplemental Academic Instruction Categorical Fund."

606 2. The categorical fund is ~~funds for supplemental academic~~  
 607 ~~instruction shall be allocated annually to each school district~~  
 608 ~~in the amount provided in the General Appropriations Act. These~~  
 609 ~~funds shall be~~ in addition to the funds appropriated on the  
 610 basis of FTE student membership in the Florida Education Finance  
 611 Program and shall be included in the total potential funds of  
 612 each district. These funds shall be used to provide supplemental  
 613 academic instruction to students enrolled in the K-12 program.  
 614 ~~For the 2014-2015 fiscal year,~~ Each school district that has one  
 615 or more of the 300 lowest-performing elementary schools based on  
 616 the state reading assessment for the prior year shall use these  
 617 funds, together with the funds provided in the district's  
 618 research-based reading instruction allocation and other  
 619 available funds, to provide an additional hour of instruction  
 620 beyond the normal school day for each day of the entire school  
 621 year for intensive reading instruction for the students in each  
 622 of these schools. This additional hour of instruction must be  
 623 provided by teachers or reading specialists who have  
 624 demonstrated effectiveness ~~are effective~~ in teaching reading or  
 625 by a K-5 mentoring reading program that is supervised by a

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626 | teacher who is effective at teaching reading. Students enrolled  
627 | in these schools who have level 5 assessment scores may  
628 | participate in the additional hour of instruction on an optional  
629 | basis. Exceptional student education centers shall not be  
630 | included in the 300 schools. The designation of the 300 lowest-  
631 | performing elementary schools must be based on the state reading  
632 | assessment for the prior year. After this requirement has been  
633 | met, supplemental instruction strategies may include, but are  
634 | not limited to: use of a modified curriculum, reading  
635 | instruction, after-school instruction, tutoring, mentoring, a  
636 | reduction in class size ~~reduction~~, extended school year,  
637 | intensive skills development in summer school, and other methods  
638 | of ~~for~~ improving student achievement. Supplemental instruction  
639 | may be provided to a student in any manner and at any time  
640 | during or beyond the regular 180-day term identified by the  
641 | school as being the most effective and efficient way to best  
642 | help that student progress from grade to grade and to graduate.

643 | 3. Categorical funds for supplemental academic instruction  
644 | shall be provided annually in the Florida Education Finance  
645 | Program as specified in the General Appropriations Act. These  
646 | funds shall be provided as a supplement to the funds  
647 | appropriated for the basic funding level and shall be included  
648 | in the total funds of each district. The allocation shall  
649 | consist of a base amount that has a workload adjustment based on  
650 | changes in unweighted FTE. In addition, districts that have

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651 elementary schools included in the 300 lowest-performing schools  
652 designation shall be allocated additional funds to assist those  
653 districts in providing intensive reading instruction to students  
654 in those schools. The amount provided shall be based on each  
655 district's level of per-student funding in the reading  
656 instruction allocation and the supplemental academic instruction  
657 categorical fund and on the total FTE for each of the schools.  
658 The categorical funding shall be recalculated during the fiscal  
659 year following an updated designation of the 300 lowest-  
660 performing elementary schools and shall be based on actual  
661 student membership from the FTE surveys. Upon recalculation of  
662 funding for the supplemental academic instruction categorical  
663 fund, if the total allocation is greater than the amount  
664 provided in the General Appropriations Act, the allocation shall  
665 be prorated to the level provided to support the appropriation,  
666 based on each district's share of the total.

667 ~~4.3.~~ Effective with the 1999-2000 fiscal year, funding on  
668 the basis of FTE membership beyond the 180-day regular term  
669 shall be provided in the FEFP only for students enrolled in  
670 juvenile justice education programs or in education programs for  
671 juveniles placed in secure facilities or programs under s.  
672 985.19. Funding for instruction beyond the regular 180-day  
673 school year for all other K-12 students shall be provided  
674 through the supplemental academic instruction allocation  
675 ~~categorical fund~~ and other state, federal, and local fund

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676 sources with ample flexibility for schools to provide  
 677 supplemental instruction to assist students in progressing from  
 678 grade to grade and graduating.

679 5.4. The Florida State University School, as a lab school,  
 680 is authorized to expend from its FEFP or Lottery Enhancement  
 681 Trust Fund allocation the cost to the student of remediation in  
 682 reading, writing, or mathematics for any graduate who requires  
 683 remediation at a postsecondary educational institution.

684 6.5.— Beginning in the 1999-2000 school year, dropout  
 685 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
 686 (b), and (c), and 1003.54 shall be included in group 1 programs  
 687 under subparagraph (d)3.

688 (h) *Small, isolated ~~high~~ schools.*—Districts that ~~which~~  
 689 levy the maximum nonvoted discretionary millage, exclusive of  
 690 millage for capital outlay purposes levied pursuant to s.  
 691 1011.71(2), may calculate full-time equivalent students for  
 692 small, isolated district-operated ~~high~~ schools by multiplying  
 693 the number of unweighted full-time equivalent students times  
 694 2.75; ~~provided the school has attained a grade of "C" or better,~~  
 695 ~~pursuant to s. 1008.34, for the previous school year.~~ The  
 696 following schools may be considered small, isolated schools  
 697 under this paragraph:

698 1. A ~~For the purpose of this section, the term "small,~~  
 699 ~~isolated high school" means Any high school that~~ which is  
 700 located at least ~~no less than~~ 28 miles by the shortest route

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701 from another high school; ~~which~~ has been serving students  
 702 primarily in basic studies provided by sub-subparagraphs (c)1.b.  
 703 and c. and may include subparagraph (c)4.; and ~~which~~ has a  
 704 membership of at least 28, but no more than 100, students, ~~but~~  
 705 ~~no fewer than 28 students,~~ in grades 9 through 12; or-

706 2. A district elementary school with a grade configuration  
 707 of kindergarten through grade 5, but which may also include  
 708 prekindergarten, grade 6, grade 7, or grade 8, that is located  
 709 at least 35 miles by the shortest route from another elementary  
 710 school within the district; has been serving students primarily  
 711 in basic studies provided by sub-subparagraphs (c)1.a. and b.  
 712 and may include subparagraph (c)4.; has a student population in  
 713 which 75 percent or greater of students are eligible for free  
 714 and reduced-price school lunch; and has a membership of at least  
 715 28, but no more than 100, students.

716 (i) *Calculation of full-time equivalent membership with*  
 717 *respect to dual enrollment instruction.*—Students enrolled in  
 718 dual enrollment instruction pursuant to s. 1007.271 may be  
 719 included in calculations of full-time equivalent student  
 720 memberships for basic programs for grades 9 through 12 by a  
 721 district school board. Instructional time for dual enrollment  
 722 may vary from 900 hours; however, the full-time equivalent  
 723 student membership value shall be subject to the provisions in  
 724 s. 1011.61(4). Dual enrollment full-time equivalent student  
 725 membership shall be calculated in an amount equal to the hours



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726 of instruction that would be necessary to earn the full-time  
727 equivalent student membership for an equivalent course if it  
728 were taught in the school district. Students in dual enrollment  
729 courses may also be calculated as the proportional shares of  
730 full-time equivalent enrollments they generate for a Florida  
731 College System institution or university conducting the dual  
732 enrollment instruction. Early admission students shall be  
733 considered dual enrollments for funding purposes. Students may  
734 be enrolled in dual enrollment instruction provided by an  
735 eligible independent college or university and may be included  
736 in calculations of full-time equivalent student memberships for  
737 basic programs for grades 9 through 12 by a district school  
738 board. However, those provisions of law which exempt dual  
739 enrolled and early admission students from payment of  
740 instructional materials and tuition and fees, including  
741 laboratory fees, shall not apply to students who select the  
742 option of enrolling in an eligible independent institution. An  
743 independent college or university, which is located and  
744 ~~chartered in Florida,~~ is not for profit, is accredited by a  
745 regional or national accrediting agency recognized by the United  
746 States Department of Education ~~the Commission on Colleges of the~~  
747 ~~Southern Association of Colleges and Schools or the Accrediting~~  
748 ~~Council for Independent Colleges and Schools,~~ and confers  
749 degrees as defined in s. 1005.02 shall be eligible for inclusion  
750 in the dual enrollment or early admission program. Students

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751 enrolled in dual enrollment instruction shall be exempt from the  
752 payment of tuition and fees, including laboratory fees. No  
753 student enrolled in college credit mathematics or English dual  
754 enrollment instruction shall be funded as a dual enrollment  
755 unless the student has successfully completed the relevant  
756 section of the entry-level examination required pursuant to s.  
757 1008.30.

758       (1) *Calculation of additional full-time equivalent*  
759 *membership based on International Baccalaureate examination*  
760 *scores of students.*—A value of 0.16 full-time equivalent student  
761 membership shall be calculated for each student enrolled in an  
762 International Baccalaureate course who receives a score of 4 or  
763 higher on a subject examination. A value of 0.3 full-time  
764 equivalent student membership shall be calculated for each  
765 student who receives an International Baccalaureate diploma.  
766 Such value shall be added to the total full-time equivalent  
767 student membership in basic programs for grades 9 through 12 in  
768 the subsequent fiscal year. Each school district shall allocate  
769 80 percent of the funds received from International  
770 Baccalaureate bonus FTE funding to the school program whose  
771 students generate the funds and to school programs that prepare  
772 prospective students to enroll in International Baccalaureate  
773 courses. Funds shall be expended solely for the payment of  
774 allowable costs associated with the International Baccalaureate  
775 program. Allowable costs include International Baccalaureate

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776 annual school fees; International Baccalaureate examination  
777 fees; salary, benefits, and bonuses for teachers and program  
778 coordinators for the International Baccalaureate program and  
779 teachers and coordinators who prepare prospective students for  
780 the International Baccalaureate program; supplemental books;  
781 instructional supplies; instructional equipment or instructional  
782 materials for International Baccalaureate courses; other  
783 activities that identify prospective International Baccalaureate  
784 students or prepare prospective students to enroll in  
785 International Baccalaureate courses; and training or  
786 professional development for International Baccalaureate  
787 teachers. School districts shall allocate the remaining 20  
788 percent of the funds received from International Baccalaureate  
789 bonus FTE funding for programs that assist academically  
790 disadvantaged students to prepare for more rigorous courses. The  
791 school district shall distribute to each classroom teacher who  
792 provided International Baccalaureate instruction:

793 1. A bonus in the amount of \$50 for each student taught by  
794 the International Baccalaureate teacher in each International  
795 Baccalaureate course who receives a score of 4 or higher on the  
796 International Baccalaureate examination.

797 2. An additional bonus of \$500 to each International  
798 Baccalaureate teacher in a school designated with a grade of "D"  
799 or "F" who has at least one student scoring 4 or higher on the  
800 International Baccalaureate examination, regardless of the

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801 number of classes taught or of the number of students scoring a  
 802 4 or higher on the International Baccalaureate examination.

803  
 804 ~~Bonuses awarded to a teacher according to this paragraph may not~~  
 805 ~~exceed \$2,000 in any given school year. However, the maximum~~  
 806 ~~bonus shall be \$3,000 if at least 50 percent of the students~~  
 807 ~~enrolled in a teacher's course earn a score of 4 or higher on~~  
 808 ~~the examination in a school designated with a grade of "A," "B,"~~  
 809 ~~or "C"; or if at least 25 percent of the students enrolled in a~~  
 810 ~~teacher's course earn a score of 4 or higher on the examination~~  
 811 ~~in a school designated with a grade of "D" or "F."~~ Bonuses  
 812 awarded under this paragraph shall be in addition to any regular  
 813 wage or other bonus the teacher received or is scheduled to  
 814 receive. For such courses, the teacher shall earn an additional  
 815 bonus of \$50 for each student who has a qualifying score ~~up to~~  
 816 ~~the maximum of \$3,000 in any given school year.~~

817 (m) *Calculation of additional full-time equivalent*  
 818 *membership based on Advanced International Certificate of*  
 819 *Education examination scores of students.*—A value of 0.16 full-  
 820 time equivalent student membership shall be calculated for each  
 821 student enrolled in a full-credit Advanced International  
 822 Certificate of Education course who receives a score of E or  
 823 higher on a subject examination. A value of 0.08 full-time  
 824 equivalent student membership shall be calculated for each  
 825 student enrolled in a half-credit Advanced International

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826 Certificate of Education course who receives a score of E or  
 827 higher on a subject examination. A value of 0.3 full-time  
 828 equivalent student membership shall be calculated for each  
 829 student who receives an Advanced International Certificate of  
 830 Education diploma. Such value shall be added to the total full-  
 831 time equivalent student membership in basic programs for grades  
 832 9 through 12 in the subsequent fiscal year. Each school district  
 833 shall allocate at least 80 percent of the funds received from  
 834 the Advanced International Certificate of Education bonus FTE  
 835 funding, in accordance with this paragraph, to the school  
 836 program that generated the funds. The school district shall  
 837 distribute to each classroom teacher who provided Advanced  
 838 International Certificate of Education instruction:

839 1. A bonus in the amount of \$50 for each student taught by  
 840 the Advanced International Certificate of Education teacher in  
 841 each full-credit Advanced International Certificate of Education  
 842 course who receives a score of E or higher on the Advanced  
 843 International Certificate of Education examination. A bonus in  
 844 the amount of \$25 for each student taught by the Advanced  
 845 International Certificate of Education teacher in each half-  
 846 credit Advanced International Certificate of Education course  
 847 who receives a score of E or higher on the Advanced  
 848 International Certificate of Education examination.

849 2. An additional bonus of \$500 to each Advanced  
 850 International Certificate of Education teacher in a school

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851 designated with a grade of "D" or "F" who has at least one  
852 student scoring E or higher on the full-credit Advanced  
853 International Certificate of Education examination, regardless  
854 of the number of classes taught or of the number of students  
855 scoring an E or higher on the full-credit Advanced International  
856 Certificate of Education examination.

857 3. Additional bonuses of \$250 each to teachers of half-  
858 credit Advanced International Certificate of Education classes  
859 in a school designated with a grade of "D" or "F" which has at  
860 least one student scoring an E or higher on the half-credit  
861 Advanced International Certificate of Education examination in  
862 that class. ~~The maximum additional bonus for a teacher awarded~~  
863 ~~in accordance with this subparagraph shall not exceed \$500 in~~  
864 ~~any given school year.~~ Teachers receiving an award under  
865 subparagraph 2. are not eligible for a bonus under this  
866 subparagraph.

867  
868 Bonuses awarded to a teacher according to this paragraph ~~shall~~  
869 ~~not exceed \$2,000 in any given school year and~~ shall be in  
870 addition to any regular wage or other bonus the teacher received  
871 or is scheduled to receive.

872 (n) *Calculation of additional full-time equivalent*  
873 *membership based on college board advanced placement scores of*  
874 *students.*—A value of 0.16 full-time equivalent student  
875 membership shall be calculated for each student in each advanced

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876 placement course who receives a score of 3 or higher on the  
877 College Board Advanced Placement Examination for the prior year  
878 and added to the total full-time equivalent student membership  
879 in basic programs for grades 9 through 12 in the subsequent  
880 fiscal year. Each district must allocate at least 80 percent of  
881 the funds provided to the district for advanced placement  
882 instruction, in accordance with this paragraph, to the high  
883 school that generates the funds. The school district shall  
884 distribute to each classroom teacher who provided advanced  
885 placement instruction:

886 1. A bonus in the amount of \$50 for each student taught by  
887 the Advanced Placement teacher in each advanced placement course  
888 who receives a score of 3 or higher on the College Board  
889 Advanced Placement Examination.

890 2. An additional bonus of \$500 to each Advanced Placement  
891 teacher in a school designated with a grade of "D" or "F" who  
892 has at least one student scoring 3 or higher on the College  
893 Board Advanced Placement Examination, regardless of the number  
894 of classes taught or of the number of students scoring a 3 or  
895 higher on the College Board Advanced Placement Examination.

896  
897 ~~Bonuses awarded to a teacher according to this paragraph shall~~  
898 ~~not exceed \$2,000 in any given school year. However, the maximum~~  
899 ~~bonus shall be \$3,000 if at least 50 percent of the students~~  
900 ~~enrolled in a teacher's course earn a score of 3 or higher on~~

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901 ~~the examination in a school with a grade of "A," "B," or "C" or~~  
 902 ~~if at least 25 percent of the students enrolled in a teacher's~~  
 903 ~~course earn a score of 3 or higher on the examination in a~~  
 904 ~~school with a grade of "D" or "F."~~ Bonuses awarded under this  
 905 paragraph shall be in addition to any regular wage or other  
 906 bonus the teacher received or is scheduled to receive. For such  
 907 courses, the teacher shall earn an additional bonus of \$50 for  
 908 each student who has a qualifying score ~~up to the maximum of~~  
 909 ~~\$3,000 in any given school year.~~

910 (o) *Calculation of additional full-time equivalent*  
 911 *membership based on successful completion of a career-themed*  
 912 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*  
 913 *courses with embedded CAPE industry certifications or CAPE*  
 914 *Digital Tool certificates, and issuance of industry*  
 915 *certification identified on the CAPE Industry Certification*  
 916 *Funding List pursuant to rules adopted by the State Board of*  
 917 *Education or CAPE Digital Tool certificates pursuant to s.*  
 918 *1003.4203.—*

919 1.a. A value of 0.025 full-time equivalent student  
 920 membership shall be calculated for CAPE Digital Tool  
 921 certificates earned by students in elementary and middle school  
 922 grades.

923 b. A value of 0.1 or 0.2 full-time equivalent student  
 924 membership shall be calculated for each student who completes a  
 925 course as defined in s. 1003.493(1)(b) or courses with embedded



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926 CAPE industry certifications and who is issued an industry  
 927 certification identified annually on the CAPE Industry  
 928 Certification Funding List approved under rules adopted by the  
 929 State Board of Education. A value of 0.2 full-time equivalent  
 930 membership shall be calculated for each student who is issued a  
 931 CAPE industry certification that has a statewide articulation  
 932 agreement for college credit approved by the State Board of  
 933 Education. For CAPE industry certifications that do not  
 934 articulate for college credit, the Department of Education shall  
 935 assign a full-time equivalent value of 0.1 for each  
 936 certification. Middle grades students who earn additional FTE  
 937 membership for a CAPE Digital Tool certificate pursuant to sub-  
 938 subparagraph a. may not use the previously funded examination to  
 939 satisfy the requirements for earning an industry certification  
 940 under this sub-subparagraph. Additional FTE membership for an  
 941 elementary or middle grades student may not exceed 0.1 for  
 942 certificates or certifications earned within the same fiscal  
 943 year. The State Board of Education shall include the assigned  
 944 values on the CAPE Industry Certification Funding List under  
 945 rules adopted by the state board. Such value shall be added to  
 946 the total full-time equivalent student membership for grades 6  
 947 through 12 in the subsequent year. CAPE industry certifications  
 948 earned through dual enrollment must be reported and funded  
 949 pursuant to s. 1011.80. However, if a student earns a  
 950 certification through a dual enrollment course and the

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951 certification is not a fundable certification on the  
 952 postsecondary certification funding list, or the dual enrollment  
 953 certification is earned as a result of an agreement between a  
 954 school district and a nonpublic postsecondary institution, the  
 955 bonus value shall be funded in the same manner as other nondual  
 956 enrollment course industry certifications. In such cases, the  
 957 school district may provide for an agreement between the high  
 958 school and the technical center, or the school district and the  
 959 postsecondary institution may enter into an agreement for  
 960 equitable distribution of the bonus funds.

961 c. A value of 0.3 full-time equivalent student membership  
 962 shall be calculated for student completion of the courses and  
 963 the embedded certifications identified on the CAPE Industry  
 964 Certification Funding List and approved by the commissioner  
 965 pursuant to ss. 1003.4203(5) (a) and 1008.44.

966 d. A value of 0.5 full-time equivalent student membership  
 967 shall be calculated for CAPE Acceleration Industry  
 968 Certifications that articulate for 15 to 29 college credit  
 969 hours, and 1.0 full-time equivalent student membership shall be  
 970 calculated for CAPE Acceleration Industry Certifications that  
 971 articulate for 30 or more college credit hours pursuant to CAPE  
 972 Acceleration Industry Certifications approved by the  
 973 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

974 2. Each district must allocate at least 80 percent of the  
 975 funds provided for CAPE industry certification, in accordance

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976 | with this paragraph, to the program that generated the funds.  
977 | This allocation may not be used to supplant funds provided for  
978 | basic operation of the program.

979 |         3. For CAPE industry certifications earned in the 2013-  
980 | 2014 school year and in subsequent years, the school district  
981 | shall distribute to each classroom teacher who provided direct  
982 | instruction toward the attainment of a CAPE industry  
983 | certification that qualified for additional full-time equivalent  
984 | membership under subparagraph 1.:

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

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

993 |             c. A bonus of \$75 for each student taught by a teacher who  
994 | provided instruction in a course that led to the attainment of a  
995 | CAPE industry certification on the CAPE Industry Certification  
996 | Funding List with a weight of 0.3.

997 |             d. A bonus of \$100 for each student taught by a teacher  
998 | who provided instruction in a course that led to the attainment  
999 | of a CAPE industry certification on the CAPE Industry  
1000 | Certification Funding List with a weight of 0.5 or 1.0.

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1001  
 1002 Bonuses awarded pursuant to this paragraph shall be provided to  
 1003 teachers who are employed by the district in the year in which  
 1004 the additional FTE membership calculation is included in the  
 1005 calculation. Bonuses shall be calculated based upon the  
 1006 associated weight of a CAPE industry certification on the CAPE  
 1007 Industry Certification Funding List for the year in which the  
 1008 certification is earned by the student. Any bonus awarded to a  
 1009 teacher under this paragraph ~~may not exceed \$3,000 in any given~~  
 1010 ~~school year and~~ is in addition to any regular wage or other  
 1011 bonus the teacher received or is scheduled to receive.

1012 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
 1013 Legislature shall prescribe the aggregate required local effort  
 1014 for all school districts collectively as an item in the General  
 1015 Appropriations Act for each fiscal year. The amount that each  
 1016 district shall provide annually toward the cost of the Florida  
 1017 Education Finance Program for kindergarten through grade 12  
 1018 programs shall be calculated as follows:

1019 (a) *Estimated taxable value calculations.*—

1020 1.a. Not later than 2 working days before July 19, the  
 1021 Department of Revenue shall certify to the Commissioner of  
 1022 Education its most recent estimate of the taxable value for  
 1023 school purposes in each school district and the total for all  
 1024 school districts in the state for the current calendar year  
 1025 based on the latest available data obtained from the local

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1026 | property appraisers. The value certified shall be the taxable  
 1027 | value for school purposes for that year, and no further  
 1028 | adjustments shall be made, except those made pursuant to  
 1029 | paragraphs (c) and (d), or an assessment roll change required by  
 1030 | final judicial decisions as specified in paragraph (16) (b)  
 1031 | ~~(15) (b)~~. Not later than July 19, the Commissioner of Education  
 1032 | shall compute a millage rate, rounded to the next highest one  
 1033 | one-thousandth of a mill, which, when applied to 96 percent of  
 1034 | the estimated state total taxable value for school purposes,  
 1035 | would generate the prescribed aggregate required local effort  
 1036 | for that year for all districts. The Commissioner of Education  
 1037 | shall certify to each district school board the millage rate,  
 1038 | computed as prescribed in this subparagraph, as the minimum  
 1039 | millage rate necessary to provide the district required local  
 1040 | effort for that year.

1041 |         b. The General Appropriations Act shall direct the  
 1042 | computation of the statewide adjusted aggregate amount for  
 1043 | required local effort for all school districts collectively from  
 1044 | ad valorem taxes to ensure that no school district's revenue  
 1045 | from required local effort millage will produce more than 90  
 1046 | percent of the district's total Florida Education Finance  
 1047 | Program calculation as calculated and adopted by the  
 1048 | Legislature, and the adjustment of the required local effort  
 1049 | millage rate of each district that produces more than 90 percent  
 1050 | of its total Florida Education Finance Program entitlement to a

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1051 level that will produce only 90 percent of its total Florida  
 1052 Education Finance Program entitlement in the July calculation.

1053 2. On the same date as the certification in sub-  
 1054 subparagraph 1.a., the Department of Revenue shall certify to  
 1055 the Commissioner of Education for each district:

1056 a. Each year for which the property appraiser has  
 1057 certified the taxable value pursuant to s. 193.122(2) or (3), if  
 1058 applicable, since the prior certification under sub-subparagraph  
 1059 1.a.

1060 b. For each year identified in sub-subparagraph a., the  
 1061 taxable value certified by the appraiser pursuant to s.  
 1062 193.122(2) or (3), if applicable, since the prior certification  
 1063 under sub-subparagraph 1.a. This is the certification that  
 1064 reflects all final administrative actions of the value  
 1065 adjustment board.

1066 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1067 (b) The district sparsity index shall be computed by  
 1068 dividing the total number of full-time equivalent students in  
 1069 all programs in the district by the number of senior high school  
 1070 centers in the district, not in excess of three, which centers  
 1071 are approved as permanent centers by a survey made by the  
 1072 Department of Education. For districts with a full-time  
 1073 equivalent student membership of at least 20,000, but no more  
 1074 than 24,000, the index shall be computed by dividing the total  
 1075 number of full-time equivalent students in all programs by the

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1076 | number of permanent senior high school centers in the district,  
 1077 | not in excess of four.  
 1078 |         (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—  
 1079 |         (a) The research-based reading instruction allocation is  
 1080 | created to provide comprehensive reading instruction to students  
 1081 | in kindergarten through grade 12. ~~For the 2014-2015 fiscal year,~~  
 1082 | ~~in~~ Each school district that has one or more of the 300 lowest-  
 1083 | performing elementary schools based on the state reading  
 1084 | assessment, ~~priority~~ shall give priority ~~be given~~ to providing  
 1085 | an additional hour per day of intensive reading instruction  
 1086 | beyond the normal school day for each day of the entire school  
 1087 | year for the students in each school. The designation of the 300  
 1088 | lowest-performing elementary schools must be based on the state  
 1089 | reading assessment for the prior year. Students enrolled in  
 1090 | these schools who have level 5 assessment scores may participate  
 1091 | in the additional hour of instruction on an optional basis.  
 1092 | Exceptional student education centers may ~~shall~~ not be included  
 1093 | in the 300 schools. The intensive reading instruction delivered  
 1094 | in this additional hour and for other students shall include:  
 1095 | research-based reading instruction that has been proven to  
 1096 | accelerate progress of students exhibiting a reading deficiency;  
 1097 | differentiated instruction based on screening, diagnostic,  
 1098 | progress monitoring, or student assessment data to meet  
 1099 | students' specific reading needs; explicit and systematic  
 1100 | reading strategies to develop ~~development in~~ phonemic awareness,

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1101 phonics, fluency, vocabulary, and comprehension, with more  
1102 extensive opportunities for guided practice, error correction,  
1103 and feedback; and the integration of social studies, science,  
1104 and mathematics-text reading, text discussion, and writing in  
1105 response to reading. ~~For the 2012-2013 and 2013-2014 fiscal~~  
1106 ~~years, a school district may not hire more reading coaches than~~  
1107 ~~were hired during the 2011-2012 fiscal year unless all students~~  
1108 ~~in kindergarten through grade 5 who demonstrate a reading~~  
1109 ~~deficiency, as determined by district and state assessments,~~  
1110 ~~including students scoring Level 1 or Level 2 on the statewide,~~  
1111 ~~standardized reading assessment or, upon implementation, the~~  
1112 ~~English Language Arts assessment, are provided an additional~~  
1113 ~~hour per day of intensive reading instruction beyond the normal~~  
1114 ~~school day for each day of the entire school year.~~

1115 (c) Funds allocated under this subsection must be used to  
1116 provide a system of comprehensive reading instruction to  
1117 students enrolled in the K-12 programs, which may include the  
1118 following:

1119 1. The provision of an additional hour per day of  
1120 intensive reading instruction to students in the 300 lowest-  
1121 performing elementary schools by teachers and reading  
1122 specialists who have demonstrated effectiveness ~~are effective~~ in  
1123 teaching reading.

1124 2. Kindergarten through grade 5 reading intervention  
1125 teachers to provide intensive intervention during the school day



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1126 | and in the required extra hour for students identified as having  
 1127 | a reading deficiency.

1128 |         3. The provision of highly qualified reading coaches to  
 1129 | specifically support teachers in making instructional decisions  
 1130 | based on student data, and improve teacher delivery of effective  
 1131 | reading instruction, intervention, and reading in the content  
 1132 | areas based on student need.

1133 |         4. Professional development for school district teachers  
 1134 | in scientifically based reading instruction, including  
 1135 | strategies to teach reading in content areas and with an  
 1136 | emphasis on technical and informational text, to help school  
 1137 | district teachers earn a certification or an endorsement in  
 1138 | reading.

1139 |         5. The provision of summer reading camps for all students  
 1140 | in kindergarten through grade 2 who demonstrate a reading  
 1141 | deficiency as determined by district and state assessments, and  
 1142 | students in grades 3 through 5 who score at Level 1 on the  
 1143 | statewide, standardized reading assessment or, upon  
 1144 | implementation, the English Language Arts assessment.

1145 |         6. The provision of supplemental instructional materials  
 1146 | that are grounded in scientifically based reading research.

1147 |         7. The provision of intensive interventions for students  
 1148 | in kindergarten through grade 12 who have been identified as  
 1149 | having a reading deficiency or who are reading below grade level  
 1150 | as determined by the statewide, standardized assessment.

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1151 (d)1. Annually, by a date determined by the Department of  
1152 Education but before May 1, school districts shall submit a K-12  
1153 comprehensive reading plan for the specific use of the research-  
1154 based reading instruction allocation in the format prescribed by  
1155 the department for review and approval by the Just Read,  
1156 Florida! Office created pursuant to s. 1001.215. The plan  
1157 annually submitted by school districts shall be deemed approved  
1158 unless the department rejects the plan on or before June 1. If a  
1159 school district and the Just Read, Florida! Office cannot reach  
1160 agreement on the contents of the plan, the school district may  
1161 appeal to the State Board of Education for resolution. School  
1162 districts shall be allowed reasonable flexibility in designing  
1163 their plans and shall be encouraged to offer reading  
1164 intervention through innovative methods, including career  
1165 academies. The plan format shall be developed with input from  
1166 school district personnel, including teachers and principals,  
1167 and shall allow courses in core, career, and alternative  
1168 programs that deliver intensive reading remediation through  
1169 integrated curricula, provided that the teacher is deemed highly  
1170 qualified to teach reading or working toward that status. No  
1171 later than July 1 annually, the department shall release the  
1172 school district's allocation of appropriated funds to those  
1173 districts having approved plans. A school district that spends  
1174 100 percent of this allocation on its approved plan shall be  
1175 deemed to have been in compliance with the plan. The department

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1176 may withhold funds upon a determination that reading instruction  
1177 allocation funds are not being used to implement the approved  
1178 plan. The department shall monitor and track the implementation  
1179 of each district plan, including conducting site visits and  
1180 collecting specific data on expenditures and reading improvement  
1181 results. By February 1 of each year, the department shall report  
1182 its findings to the Legislature.

1183 2. Each school district that has a school designated as  
1184 one of the 300 lowest-performing elementary schools as specified  
1185 in paragraph (a) shall specifically delineate in the  
1186 comprehensive reading plan, or in an addendum to the  
1187 comprehensive reading plan, the implementation design and  
1188 reading intervention strategies that will be used for the  
1189 required additional hour of reading instruction. The term  
1190 "reading intervention" includes evidence-based strategies  
1191 frequently used to remediate reading deficiencies and also  
1192 includes individual instruction, tutoring, mentoring, or the use  
1193 of technology that targets specific reading skills and  
1194 abilities.

1195 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
1196 annually provide in the Florida Education Finance Program a  
1197 virtual education contribution. The amount of the virtual  
1198 education contribution shall be the difference between the  
1199 amount per FTE established in the General Appropriations Act for  
1200 virtual education and the amount per FTE for each district and

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1201 the Florida Virtual School, which may be calculated by taking  
 1202 the sum of the base FEFP allocation, the discretionary local  
 1203 effort, the state-funded discretionary contribution, the  
 1204 discretionary millage compression supplement, the research-based  
 1205 reading instruction allocation, and the instructional materials  
 1206 allocation, and then dividing by the total unweighted FTE. This  
 1207 difference shall be multiplied by the virtual education  
 1208 unweighted FTE for programs and options identified in s.  
 1209 1002.455 ~~s. 1002.455(3)~~ and the Florida Virtual School and its  
 1210 franchises to equal the virtual education contribution and shall  
 1211 be included as a separate allocation in the funding formula.

1212 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

1213 (a) The Florida digital classrooms allocation is created  
 1214 to support the efforts of school districts ~~district~~ and schools,  
 1215 including charter schools, ~~school efforts and strategies to~~  
 1216 integrate ~~improve outcomes related to student performance by~~  
 1217 ~~integrating~~ technology in classroom teaching and learning to  
 1218 ensure students have access to high-quality electronic and  
 1219 digital instructional materials and resources, and empower  
 1220 classroom teachers to help their students succeed. Each school  
 1221 district shall receive a minimum digital classrooms allocation  
 1222 in the amount provided in the General Appropriations Act. The  
 1223 remaining balance of the digital classrooms allocation shall be  
 1224 allocated based on each school district's proportionate share of  
 1225 the state's total unweighted full-time equivalent student

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1226 enrollment.

1227 (b) Funds allocated under this subsection must be used for  
 1228 costs associated with:

1229 1. Acquiring and maintaining the items on the eligible  
 1230 services list authorized by the Universal Service Administrative  
 1231 Company for the Schools and Libraries Program, more commonly  
 1232 referred to as the federal E-rate program.

1233 2. Acquiring computer and device hardware and associated  
 1234 operating system software that complies with the requirements of  
 1235 s. 1001.20(4)(a)1.b.

1236 3. Providing professional development, including in-state  
 1237 conference attendance or online coursework, to enhance the use  
 1238 of technology for digital instructional strategies ~~The outcomes~~  
 1239 ~~must be measurable and may also be unique to the needs of~~  
 1240 ~~individual schools and school districts within the general~~  
 1241 ~~parameters established by the Department of Education.~~

1242 ~~(b) Each district school board shall adopt a district~~  
 1243 ~~digital classrooms plan that meets the unique needs of students,~~  
 1244 ~~schools, and personnel and submit the plan for approval to the~~  
 1245 ~~Department of Education. In addition, each district school board~~  
 1246 ~~must, at a minimum, seek input from the district's~~  
 1247 ~~instructional, curriculum, and information technology staff to~~  
 1248 ~~develop the district digital classrooms plan. The district's~~  
 1249 ~~plan must be within the general parameters established in the~~  
 1250 ~~Florida digital classrooms plan pursuant to s. 1001.20. In~~

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1251 ~~addition, if the district participates in federal technology~~  
1252 ~~initiatives and grant programs, the district digital classrooms~~  
1253 ~~plan must include a plan for meeting requirements of such~~  
1254 ~~initiatives and grant programs. Funds allocated under this~~  
1255 ~~subsection must be used to support implementation of district~~  
1256 ~~digital classrooms plans. By October 1, 2014, and by March 1 of~~  
1257 ~~each year thereafter, on a date determined by the department,~~  
1258 ~~each district school board shall submit to the department, in a~~  
1259 ~~format prescribed by the department, a digital classrooms plan.~~  
1260 ~~At a minimum, such plan must include, and be annually updated to~~  
1261 ~~reflect, the following:~~

1262 ~~1. Measurable student performance outcomes. Outcomes~~  
1263 ~~related to student performance, including outcomes for students~~  
1264 ~~with disabilities, must be tied to the efforts and strategies to~~  
1265 ~~improve outcomes related to student performance by integrating~~  
1266 ~~technology in classroom teaching and learning. Results of the~~  
1267 ~~outcomes shall be reported at least annually for the current~~  
1268 ~~school year and subsequent 3 years and be accompanied by an~~  
1269 ~~independent evaluation and validation of the reported results.~~

1270 ~~2. Digital learning and technology infrastructure~~  
1271 ~~purchases and operational activities. Such purchases and~~  
1272 ~~activities must be tied to the measurable outcomes under~~  
1273 ~~subparagraph 1., including, but not limited to, connectivity,~~  
1274 ~~broadband access, wireless capacity, Internet speed, and data~~  
1275 ~~security, all of which must meet or exceed minimum requirements~~

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1276 ~~and protocols established by the department. For each year that~~  
1277 ~~the district uses funds for infrastructure, a third party,~~  
1278 ~~independent evaluation of the district's technology inventory~~  
1279 ~~and infrastructure needs must accompany the district's plan.~~

1280 ~~3. Professional development purchases and operational~~  
1281 ~~activities. Such purchases and activities must be tied to the~~  
1282 ~~measurable outcomes under subparagraph 1., including, but not~~  
1283 ~~limited to, using technology in the classroom and improving~~  
1284 ~~digital literacy and competency.~~

1285 ~~4. Digital tool purchases and operational activities. Such~~  
1286 ~~purchases and activities must be tied to the measurable outcomes~~  
1287 ~~under subparagraph 1., including, but not limited to,~~  
1288 ~~competency based credentials that measure and demonstrate~~  
1289 ~~digital competency and certifications; third party assessments~~  
1290 ~~that demonstrate acquired knowledge and use of digital~~  
1291 ~~applications; and devices that meet or exceed minimum~~  
1292 ~~requirements and protocols established by the department.~~

1293 ~~5. Online assessment related purchases and operational~~  
1294 ~~activities. Such purchases and activities must be tied to the~~  
1295 ~~measurable outcomes under subparagraph 1., including, but not~~  
1296 ~~limited to, expanding the capacity to administer assessments and~~  
1297 ~~compatibility with minimum assessment protocols and requirements~~  
1298 ~~established by the department.~~

1299 ~~(c) The Legislature shall annually provide in the General~~  
1300 ~~Appropriations Act the FEFP allocation for implementation of the~~

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1301 ~~Florida digital classrooms plan to be calculated in an amount up~~  
1302 ~~to 1 percent of the base student allocation multiplied by the~~  
1303 ~~total K-12 full-time equivalent student enrollment included in~~  
1304 ~~the FEFP calculations for the legislative appropriation or as~~  
1305 ~~provided in the General Appropriations Act. Each school district~~  
1306 ~~shall be provided a minimum of \$250,000, with the remaining~~  
1307 ~~balance of the allocation to be distributed based on each~~  
1308 ~~district's proportion of the total K-12 full-time equivalent~~  
1309 ~~student enrollment. Distribution of funds for the Florida~~  
1310 ~~digital classrooms allocation shall begin following submittal of~~  
1311 ~~each district's digital classrooms plan, which must include~~  
1312 ~~formal verification of the superintendent's approval of the~~  
1313 ~~digital classrooms plan of each charter school in the district,~~  
1314 ~~and approval of the plan by the department. Prior to the~~  
1315 ~~distribution of the Florida digital classrooms allocation funds,~~  
1316 ~~each district school superintendent shall certify to the~~  
1317 ~~Commissioner of Education that the district school board has~~  
1318 ~~approved a comprehensive district digital classrooms plan that~~  
1319 ~~supports the fidelity of implementation of the Florida digital~~  
1320 ~~classrooms allocation. District allocations shall be~~  
1321 ~~recalculated during the fiscal year consistent with the periodic~~  
1322 ~~recalculation of the FEFP. School districts shall provide a~~  
1323 ~~proportionate share of the digital classrooms allocation to each~~  
1324 ~~charter school in the district, as required for categorical~~  
1325 ~~programs in s. 1002.33(17) (b). A school district may use a~~



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1326 ~~competitive process to distribute funds for the Florida digital~~  
1327 ~~classrooms allocation to the schools within the school district.~~

1328 ~~(d) To facilitate the implementation of the district~~  
1329 ~~digital classrooms plans and charter school digital classrooms~~  
1330 ~~plans, the commissioner shall support statewide, coordinated~~  
1331 ~~partnerships and efforts of this state's education practitioners~~  
1332 ~~in the field, including, but not limited to, superintendents,~~  
1333 ~~principals, and teachers, to identify and share best practices,~~  
1334 ~~corrective actions, and other identified needs.~~

1335 ~~(e) Beginning in the 2015-2016 fiscal year and each year~~  
1336 ~~thereafter, each district school board shall report to the~~  
1337 ~~department its use of funds provided through the Florida digital~~  
1338 ~~classrooms allocation and student performance outcomes in~~  
1339 ~~accordance with the district's digital classrooms plan. The~~  
1340 ~~department may contract with an independent third party entity~~  
1341 ~~to conduct an annual independent verification of the district's~~  
1342 ~~use of Florida digital classrooms allocation funds in accordance~~  
1343 ~~with the district's digital classrooms plan. In the event an~~  
1344 ~~independent third-party verification is not conducted, the~~  
1345 ~~Auditor General shall, during scheduled operational audits of~~  
1346 ~~the school districts, verify compliance of the use of Florida~~  
1347 ~~digital classrooms allocation funds in accordance with the~~  
1348 ~~district's digital classrooms plan. No later than October 1 of~~  
1349 ~~each year, beginning in the 2015-2016 fiscal year, the~~  
1350 ~~commissioner shall provide to the Governor, the President of the~~

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1351 ~~Senate, and the Speaker of the House of Representatives a~~  
1352 ~~summary of each district's use of funds, student performance~~  
1353 ~~outcomes, and progress toward meeting statutory requirements and~~  
1354 ~~timelines.~~

1355 ~~(f) Each school district shall provide teachers,~~  
1356 ~~administrators, students, and parents with access to:~~

1357 ~~1. Instructional materials in digital or electronic~~  
1358 ~~format, as defined in s. 1006.29.~~

1359 ~~2. Digital materials, including those digital materials~~  
1360 ~~that enable students to earn certificates and industry~~  
1361 ~~certifications pursuant to ss. 1003.4203 and 1008.44.~~

1362 ~~3. Teaching and learning tools and resources, including~~  
1363 ~~the ability for teachers and administrators to manage, assess,~~  
1364 ~~and monitor student performance data.~~

1365 ~~(g) For the 2016-2017 fiscal year, notwithstanding~~  
1366 ~~paragraph (c), each school district shall be provided a minimum~~  
1367 ~~of \$500,000, with the remaining balance of the allocation to be~~  
1368 ~~distributed based on each district's proportion of the total K-~~  
1369 ~~12 full-time equivalent enrollment. Each district's digital~~  
1370 ~~classrooms allocation plan must give preference to funding the~~  
1371 ~~number of devices that comply with the requirements of s.~~  
1372 ~~1001.20(4)(a)1.b. and that are needed to allow each school to~~  
1373 ~~administer the Florida Standards Assessments to an entire grade~~  
1374 ~~at the same time. If the district's digital classrooms~~  
1375 ~~allocation plan does not include the purchase of devices, the~~

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1376 ~~district must certify in the plan that the district currently~~  
1377 ~~has sufficient devices to allow each school to administer the~~  
1378 ~~Florida Standards Assessments in the manner described in this~~  
1379 ~~paragraph. This paragraph expires July 1, 2017.~~

1380 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally  
1381 connected student supplement is created to provide supplemental  
1382 funding for school districts to support the education of  
1383 students connected with federally owned military installations,  
1384 National Aeronautics and Space Administration (NASA) real  
1385 property, and Indian lands. To be eligible for this supplement,  
1386 the district must be eligible for federal Impact Aid Program  
1387 funds under s. 8003 of Title VIII of the Elementary and  
1388 Secondary Education Act of 1965. The supplement shall be  
1389 allocated annually to each eligible school district in the  
1390 ~~amount provided in the~~ General Appropriations Act. The  
1391 supplement shall be the sum of the student allocation and an  
1392 exempt property allocation.

1393 (a) The student allocation shall be calculated based on  
1394 the number of students reported for federal Impact Aid Program  
1395 funds, including students with disabilities, who meet one of the  
1396 following criteria:

1397 1. The student has a parent who is on active duty in the  
1398 uniformed services or is an accredited foreign government  
1399 official and military officer. Students with disabilities shall  
1400 also be reported separately for this category.

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1401           2. The student resides on eligible federally owned Indian  
 1402 land. Students with disabilities shall also be reported  
 1403 separately for this category.

1404           3. The student resides with a civilian parent who lives or  
 1405 works on eligible federal property connected with a military  
 1406 installation or NASA. The number of these students shall be  
 1407 multiplied by a factor of 0.5.

1408           (b) The total number of federally connected students  
 1409 calculated under paragraph (a) shall be multiplied by a  
 1410 percentage of the base student allocation as provided in the  
 1411 General Appropriations Act. The total of the number of students  
 1412 with disabilities as reported separately under subparagraphs  
 1413 (a)1. and 2. shall be multiplied by an additional percentage of  
 1414 the base student allocation as provided in the General  
 1415 Appropriations Act. The base amount and the amount for students  
 1416 with disabilities shall be summed to provide the student  
 1417 allocation.

1418           (c) The exempt property allocation shall be equal to the  
 1419 tax-exempt value of federal impact aid lands reserved as  
 1420 military installations, real property owned by NASA, or eligible  
 1421 federally owned Indian lands located in the district, ~~as of~~  
 1422 ~~January 1 of the previous year,~~ multiplied by the millage  
 1423 authorized and levied under s. 1011.71(2).

1424           (d) The amount allocated for each eligible school district  
 1425 shall be recalculated during the year using actual student

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1426 membership, as amended, from the most recent February survey and  
1427 the tax-exempt valuation from the most recent assessment roll.  
1428 Upon recalculation, if the total allocation is greater than the  
1429 amount provided in the General Appropriations Act, it must be  
1430 prorated to the level of the appropriation based on each  
1431 district's share of the total recalculated amount.

1432 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may  
1433 annually in the General Appropriations Act determine a  
1434 percentage increase in funds per K-12 unweighted FTE as a  
1435 minimum guarantee to each school district. The guarantee shall  
1436 be calculated from prior year base funding per unweighted FTE  
1437 student which shall include the adjusted FTE dollars as provided  
1438 in subsection (16) ~~(15)~~, quality guarantee funds, and actual  
1439 nonvoted discretionary local effort from taxes. From the base  
1440 funding per unweighted FTE, the increase shall be calculated for  
1441 the current year. The current year funds from which the  
1442 guarantee shall be determined shall include the adjusted FTE  
1443 dollars as provided in subsection (16) ~~(15)~~ and potential  
1444 nonvoted discretionary local effort from taxes. A comparison of  
1445 current year funds per unweighted FTE to prior year funds per  
1446 unweighted FTE shall be computed. For those school districts  
1447 which have less than the legislatively assigned percentage  
1448 increase, funds shall be provided to guarantee the assigned  
1449 percentage increase in funds per unweighted FTE student. Should  
1450 appropriated funds be less than the sum of this calculated

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1451 amount for all districts, the commissioner shall prorate each  
 1452 district's allocation. This provision shall be implemented to  
 1453 the extent specifically funded.

1454 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is  
 1455 created to provide funding to assist school districts in their  
 1456 compliance with ss. 1006.07-1006.148, with priority given to  
 1457 establishing a school resource officer program pursuant to s.  
 1458 1006.12. Each school district shall receive a minimum safe  
 1459 schools allocation in an amount provided in the General  
 1460 Appropriations Act. Of the remaining balance of the safe schools  
 1461 allocation, two-thirds shall be allocated to school districts  
 1462 based on the most recent official Florida Crime Index provided  
 1463 by the Department of Law Enforcement and one-third shall be  
 1464 allocated based on each school district's proportionate share of  
 1465 the state's total unweighted full-time equivalent student  
 1466 enrollment.

1467 ~~(16)~~ ~~(15)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
 1468 FOR CURRENT OPERATION.—The total annual state allocation to each  
 1469 district for current operation for the FEFP shall be distributed  
 1470 periodically in the manner prescribed in the General  
 1471 Appropriations Act.

1472 (b) The amount thus obtained shall be the net annual  
 1473 allocation to each school district. However, if it is determined  
 1474 that any school district received an under allocation or over  
 1475 allocation ~~underallocation or overallocation~~ for any prior year

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1476 | because of an arithmetical error, assessment roll change  
 1477 | required by final judicial decision, full-time equivalent  
 1478 | student membership error, or any allocation error revealed in an  
 1479 | audit report, the allocation to that district shall be  
 1480 | appropriately adjusted. An under allocation in a prior year  
 1481 | caused by a school district's error may not be the basis for a  
 1482 | positive allocation adjustment for the current year. Beginning  
 1483 | with the 2011-2012 fiscal year, if a special program cost factor  
 1484 | is less than the basic program cost factor, an audit adjustment  
 1485 | may not result in the reclassification of the special program  
 1486 | FTE to the basic program FTE. If the Department of Education  
 1487 | audit adjustment recommendation is based upon controverted  
 1488 | findings of fact, the Commissioner of Education is authorized to  
 1489 | establish the amount of the adjustment based on the best  
 1490 | interests of the state.

1491 |       Section 5. Section 1013.738, Florida Statutes, is amended  
 1492 | to read:

1493 |       1013.738 High Growth District Capital Outlay Assistance  
 1494 | Grant Program.—

1495 |       (1) Subject to funds provided in the General  
 1496 | Appropriations Act, the High Growth District Capital Outlay  
 1497 | Assistance Grant Program is hereby established. Funds provided  
 1498 | pursuant to this section may only be used for the purposes  
 1499 | identified in s. 1011.71(2) to construct new student stations.

1500 |       (2) In order to qualify for a grant, a school district

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1501 must meet the following criteria:

1502 (a) The district must have levied the maximum ~~full 1.5~~  
 1503 mills of nonvoted discretionary capital outlay millage  
 1504 authorized in s. 1011.71(2) for each of the prior 5 ~~past 4~~  
 1505 fiscal years.

1506 (b) The district must receive revenue from a current voted  
 1507 school capital outlay sales surtax or a portion of the local  
 1508 government infrastructure surtax as authorized in s. 212.055.

1509 ~~(c)~~ ~~(b)~~ ~~Fifty percent of~~ The revenue derived from the ~~2-~~  
 1510 ~~mill~~ nonvoted discretionary capital outlay millage ~~for the past~~  
 1511 ~~4 fiscal years~~, when divided by the district's ~~growth in~~ capital  
 1512 outlay FTE students ~~over this period~~, produces a value that is  
 1513 less than the statewide average maximum potential funds cost per  
 1514 capital outlay FTE student station ~~calculated pursuant to s.~~  
 1515 ~~1013.64(6) (b)1., and weighted by statewide growth in capital~~  
 1516 ~~outlay FTE students in elementary, middle, and high schools for~~  
 1517 the most recent past 4 fiscal year years.

1518 ~~(d)~~ ~~(e)~~ The district must have equaled or exceeded the  
 1519 greater of 1 percent average growth or twice the statewide  
 1520 average of growth in capital outlay FTE students over the prior  
 1521 5-year ~~this same 4-year~~ period.

1522 ~~(d)~~ ~~The Commissioner of Education must have released all~~  
 1523 ~~funds allocated to the district from the Classrooms First~~  
 1524 ~~Program authorized in s. 1013.68, and these funds were fully~~  
 1525 ~~expended by the district as of February 1 of the current fiscal~~



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1526 ~~year.~~

1527 (e) The total capital outlay FTE students of the district  
1528 is greater than 24,000 ~~15,000~~ students.

1529 (3) The funds provided in the General Appropriations Act  
1530 shall be allocated pursuant to the following methodology:

1531 (a) For each eligible district, the Department of  
1532 Education shall sum ~~calculate~~ the calculated ~~value of 50 percent~~  
1533 ~~of the~~ revenue ~~derived from the~~ maximum potential 2-mill  
1534 nonvoted discretionary capital outlay millage and the revenue  
1535 received from the voted sales surtax as provided in paragraph  
1536 (2) (b) and divide that sum for the past 4 fiscal years divided  
1537 by the number of ~~increase in~~ capital outlay FTE students for the  
1538 same period.

1539 (b) The Department of Education shall determine, for each  
1540 eligible district, the amount that must be added to the funds  
1541 per capital outlay FTE ~~value~~ calculated pursuant to paragraph  
1542 (a) to produce the statewide ~~weighted~~ average value per capital  
1543 outlay FTE for the revenues identified ~~student station~~  
1544 ~~calculated~~ pursuant to paragraph (a) ~~(2) (b)~~.

1545 (c) The value calculated for each eligible district  
1546 pursuant to paragraph (b) shall be ~~multiplied by the average~~  
1547 ~~increase in capital outlay FTE students for the past 4 fiscal~~  
1548 ~~years to determine~~ the maximum amount of a grant that may be  
1549 awarded to a district pursuant to this section.

1550 (d) In the event the funds provided ~~in the General~~

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1551 ~~Appropriations Act~~ are insufficient to fully fund the maximum  
1552 grants calculated pursuant to this section ~~paragraph (c)~~, the  
1553 Department of Education shall allocate the funds based on each  
1554 district's prorated share of the total maximum award amount  
1555 calculated for all eligible districts.

1556 Section 6. Paragraph (b) of subsection (3) of section  
1557 1011.78, Florida Statutes, is amended to read:

1558 1011.78 Standard student attire incentive payments.—There  
1559 is created an incentive payment for school districts and charter  
1560 schools that implement a standard student attire policy for all  
1561 students in kindergarten through grade 8 in accordance with this  
1562 section.

1563 (3) QUALIFICATIONS.—To qualify for the incentive payment,  
1564 a school district or charter school must, at a minimum,  
1565 implement a standard attire policy that:

1566 (b) Prohibits certain types or styles of clothing ~~and~~  
1567 ~~requires solid-colored clothing and fabrics for pants, skirts,~~  
1568 ~~shorts, or similar clothing and short- or long-sleeved shirts~~  
1569 ~~with collars.~~

1570 Section 7. Section 1003.631, Florida Statutes, is created  
1571 to read:

1572 1003.631 Schools of Excellence.—The Schools of Excellence  
1573 Program is established to provide administrative flexibility to  
1574 the state's top schools so that the instructional personnel and  
1575 administrative staff at such schools can continue to serve their

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1576 communities and increase student learning to the best of their  
 1577 professional ability.

1578 (1) DESIGNATION.—

1579 (a) The State Board of Education shall designate a school  
 1580 as a School of Excellence if the school's percentage of possible  
 1581 points earned in its school grade calculation is in the 80th  
 1582 percentile or higher for schools comprised of the same grade  
 1583 groupings, including elementary schools, middle schools, high  
 1584 schools, and schools with a combination of grade levels, for at  
 1585 least 2 of the last 3 school years. The school must have data  
 1586 for each applicable school grade component pursuant to s.  
 1587 1008.34(3) to be eligible for designation as a School of  
 1588 Excellence. A qualifying school shall retain the designation as  
 1589 a School of Excellence for up to 3 years, at the end of which  
 1590 time the school may renew the designation, if:

1591 1. The school was in the 80th percentile or higher  
 1592 pursuant to this subsection for 2 of the previous 3 years; and

1593 2. The school did not receive a school grade lower than  
 1594 "B" pursuant to s. 1008.34 during any of the previous 3 years.

1595 (b) A school that earns a school grade lower than "B"  
 1596 pursuant to s. 1008.34 during the 3-year period may not continue  
 1597 to be designated as a School of Excellence during the remainder  
 1598 of that 3-year period and loses the administrative flexibilities  
 1599 provided in subsection (2).

1600 (2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence

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1601 must be provided the following administrative flexibilities:

1602 (a) Exemption from any provision of law or rule that  
 1603 expressly requires a minimum period of daily or weekly  
 1604 instruction in reading.

1605 (b) Principal autonomy as provided under s. 1012.28(8).

1606 (c) For instructional personnel, the substitution of 1  
 1607 school year of employment at a School of Excellence for 20  
 1608 inservice points toward the renewal of a professional  
 1609 certificate, up to 60 inservice points in a 5-year cycle,  
 1610 pursuant to s. 1012.585(3).

1611 (d) Exemption from compliance with district policies or  
 1612 procedures that establish times for the start and completion of  
 1613 the school day.

1614 (e) Calculation for compliance with maximum class size  
 1615 pursuant to s. 1003.03(4) based on the average number of  
 1616 students at the school level.

1617 Section 8. Paragraph (c) of subsection (8) of section  
 1618 1012.56, Florida Statutes, is redesignated as paragraph (d),  
 1619 subsections (1) and (7), and paragraph (a) of subsection (8) are  
 1620 amended, and a new paragraph (c) is added to subsection (8) of  
 1621 that section, to read:

1622 1012.56 Educator certification requirements.—

1623 (1) APPLICATION.—Each person seeking certification  
 1624 pursuant to this chapter shall submit a completed application  
 1625 containing the applicant's social security number to the

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1626 Department of Education and remit the fee required pursuant to  
 1627 s. 1012.59 and rules of the State Board of Education. Pursuant  
 1628 to the federal Personal Responsibility and Work Opportunity  
 1629 Reconciliation Act of 1996, each party is required to provide  
 1630 his or her social security number in accordance with this  
 1631 section. Disclosure of social security numbers obtained through  
 1632 this requirement is limited to the purpose of administration of  
 1633 the Title IV-D program of the Social Security Act for child  
 1634 support enforcement.

1635 (a) Pursuant to s. 120.60, the department shall issue  
 1636 within 90 calendar days after receipt ~~the stamped receipted date~~  
 1637 of the completed application.

1638 ~~(a) If the applicant meets the requirements,~~ a professional  
 1639 certificate to a qualifying applicant covering the  
 1640 classification, level, and area for which the applicant is  
 1641 deemed qualified and a document explaining the requirements for  
 1642 renewal of the professional certificate.

1643 (b) The department shall issue a temporary certificate to  
 1644 a qualifying applicant within 14 calendar days after receipt of  
 1645 a request from ~~if the applicant meets the requirements and if~~  
 1646 ~~requested by an employer employing school district or an~~  
 1647 ~~employing private school~~ with a professional education  
 1648 competence demonstration program pursuant to paragraphs (6) (f)  
 1649 and (8) (b). The ~~a~~ temporary certificate must cover ~~covering~~ the  
 1650 classification, level, and area for which the applicant is

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1651 deemed qualified. The department shall electronically notify the  
 1652 applicant's employer that the temporary certificate has been  
 1653 issued and provide the applicant an official statement of status  
 1654 of eligibility at the time the certificate is issued. ~~and an~~  
 1655 official statement of status of eligibility; or

1656 (c) Pursuant to s. 120.60, the department shall issue  
 1657 within 90 calendar days after receipt of the completed  
 1658 application, if an applicant does not meet the requirements for  
 1659 either certificate, an official statement of status of  
 1660 eligibility.

1661  
 1662 The statement of status of eligibility must be provided  
 1663 electronically and must advise the applicant of any  
 1664 qualifications that must be completed to qualify for  
 1665 certification. Each method by which an applicant can complete  
 1666 the qualifications for a professional certificate must be  
 1667 included in the statement of status of eligibility. Each  
 1668 statement of status of eligibility is valid for 3 years after  
 1669 its date of issuance, except as provided in paragraph (2) (d).

1670 (7) TYPES AND TERMS OF CERTIFICATION.—

1671 (a) The Department of Education shall issue a professional  
 1672 certificate for a period not to exceed 5 years to any applicant  
 1673 who fulfills one of the following:

- 1674 1. Meets all the requirements outlined in subsection (2).
- 1675 2. ~~or,~~ For a professional certificate covering grades 6

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1676 through 12, ~~any applicant who:~~

1677     ~~a.1.~~ Meets the requirements of paragraphs (2) (a)-(h).

1678     ~~b.2.~~ Holds a master's or higher degree in the area of

1679 science, technology, engineering, or mathematics.

1680     ~~c.3.~~ Teaches a high school course in the subject of the

1681 advanced degree.

1682     ~~d.4.~~ Is rated highly effective as determined by the

1683 teacher's performance evaluation under s. 1012.34, based in part

1684 on student performance as measured by a statewide, standardized

1685 assessment or an Advanced Placement, Advanced International

1686 Certificate of Education, or International Baccalaureate

1687 examination.

1688     ~~e.5.~~ Achieves a passing score on the Florida professional

1689 education competency examination required by state board rule.

1690     3. Meets the requirements of paragraphs (2) (a)-(h) and

1691 completes a professional preparation and education competence

1692 program approved by the department pursuant to paragraph (8) (c).

1693 An applicant who completes the program and is rated highly

1694 effective as determined by his or her performance evaluation

1695 under s. 1012.34 is not required to take or achieve a passing

1696 score on the professional education competency examination in

1697 order to be awarded a professional certificate.

1698     (b) The department shall issue a temporary certificate to

1699 any applicant who completes the requirements outlined in

1700 paragraphs (2) (a)-(f) and completes the subject area content

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1701 requirements specified in state board rule or demonstrates  
1702 mastery of subject area knowledge pursuant to subsection (5) and  
1703 holds an accredited degree or a degree approved by the  
1704 Department of Education at the level required for the subject  
1705 area specialization in state board rule.

1706 (c) The department shall issue one nonrenewable 2-year  
1707 temporary certificate and one nonrenewable 5-year professional  
1708 certificate to a qualified applicant who holds a bachelor's  
1709 degree in the area of speech-language impairment to allow for  
1710 completion of a master's degree program in speech-language  
1711 impairment.

1712  
1713 Each temporary certificate is valid for 3 school fiscal years  
1714 and is nonrenewable. However, the requirement in paragraph  
1715 (2) (g) must be met within 1 calendar year of the date of  
1716 employment under the temporary certificate. Individuals who are  
1717 employed under contract at the end of the 1 calendar year time  
1718 period may continue to be employed through the end of the school  
1719 year in which they have been contracted. A school district shall  
1720 not employ, or continue the employment of, an individual in a  
1721 position for which a temporary certificate is required beyond  
1722 this time period if the individual has not met the requirement  
1723 of paragraph (2) (g). At least 1 year before an individual's  
1724 temporary certificate is set to expire, the department shall  
1725 electronically notify the individual of the date on which his or



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1726 | her certificate will expire and provide a list of each method by  
 1727 | which the qualifications for a professional certificate can be  
 1728 | completed. The State Board of Education shall adopt rules to  
 1729 | allow the department to extend the validity period of a  
 1730 | temporary certificate for 2 years when the requirements for the  
 1731 | professional certificate, not including the requirement in  
 1732 | paragraph (2)(g), were not completed due to the serious illness  
 1733 | or injury of the applicant or other extraordinary extenuating  
 1734 | circumstances or for 1 year if the temporary certificateholder  
 1735 | is rated effective or highly effective based solely on a student  
 1736 | learning growth formula approved by the Commissioner of  
 1737 | Education pursuant to s. 1012.34(8). The department shall  
 1738 | reissue the temporary certificate for 2 additional years upon  
 1739 | approval by the Commissioner of Education. A written request for  
 1740 | reissuance of the certificate shall be submitted by the district  
 1741 | school superintendent, the governing authority of a university  
 1742 | lab school, the governing authority of a state-supported school,  
 1743 | or the governing authority of a private school.

1744 | (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
 1745 | COMPETENCY PROGRAM.—

1746 | (a) The Department of Education shall develop and each  
 1747 | school district, charter school, and charter management  
 1748 | organization may provide a cohesive competency-based  
 1749 | professional development certification and education competency  
 1750 | program by which ~~members of a school district's~~ instructional

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1751 staff may satisfy the mastery of professional preparation and  
 1752 education competence requirements specified in subsection (6)  
 1753 and rules of the State Board of Education. Participants must  
 1754 hold a state-issued temporary certificate. A school district,  
 1755 charter school, or charter management organization that  
 1756 implements the program shall provide a competency-based  
 1757 certification program developed by the Department of Education  
 1758 or developed by the district, charter school, or charter  
 1759 management organization and approved by the Department of  
 1760 Education. The program shall include the following:

- 1761 1. A minimum period of initial preparation before assuming  
 1762 duties as the teacher of record.
- 1763 2. An option for collaboration with ~~between school~~  
 1764 ~~districts and~~ other supporting agencies or educational entities  
 1765 for implementation.
- 1766 3. A teacher mentorship and induction ~~An experienced peer-~~  
 1767 ~~mentor~~ component.
  - 1768 a. Each individual selected by the district as a ~~peer~~  
 1769 mentor:
    - 1770 I. Must hold a valid professional certificate issued  
 1771 pursuant to this section;~~;~~
    - 1772 II. Must have earned at least 3 years of teaching  
 1773 experience in prekindergarten through grade 12;~~;~~and
    - 1774 III. Must have completed specialized training in clinical  
 1775 supervision and participate in ongoing mentor training provided

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1776 through the coordinated system of professional development under  
1777 s. 1012.98(3)(e);

1778 IV. Must have earned an effective or highly effective  
1779 rating on the prior year's performance evaluation under s.  
1780 1012.34; and

1781 V. May ~~or~~ be a peer evaluator under the district's  
1782 evaluation system approved under s. 1012.34.

1783 b. The teacher mentorship and induction component must, at  
1784 a minimum, provide weekly opportunities for mentoring and  
1785 induction activities, including common planning time, ongoing  
1786 professional development targeted to a teacher's needs,  
1787 opportunities for a teacher to observe other teachers, co-  
1788 teaching experiences, and reflection and followup discussions.  
1789 Mentorship and induction activities must be provided for an  
1790 applicant's first year in the program and may be provided until  
1791 the applicant attains his or her professional certificate in  
1792 accordance with this section. A principal who is rated highly  
1793 effective as determined by his or her performance evaluation  
1794 under s. 1012.34 must be provided flexibility in selecting  
1795 professional development activities under this paragraph;  
1796 however, the activities must be approved by the department as  
1797 part of the district's, charter school's, or charter management  
1798 organization's program.

1799 4. An assessment of teaching performance aligned to the  
1800 district's system for personnel evaluation under s. 1012.34

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1801 | which provides for:

1802 |       a. An initial evaluation of each educator's competencies  
1803 | to determine an appropriate individualized professional  
1804 | development plan.

1805 |       b. A summative evaluation to assure successful completion  
1806 | of the program.

1807 |       5. Professional education preparation content knowledge,  
1808 | which must be included in the mentoring and induction activities  
1809 | under subparagraph 3., that includes, but is not limited to, the  
1810 | following:

1811 |       a. The state standards provided under s. 1003.41,  
1812 | including scientifically based reading instruction, content  
1813 | literacy, and mathematical practices, for each subject  
1814 | identified on the temporary certificate.

1815 |       b. The educator-accomplished practices approved by the  
1816 | state board.

1817 |       c. A variety of data indicators for monitoring student  
1818 | progress.

1819 |       d. Methodologies for teaching students with disabilities.

1820 |       e. Methodologies for teaching students of limited English  
1821 | proficiency appropriate for each subject area identified on the  
1822 | temporary certificate.

1823 |       f. Techniques and strategies for operationalizing the role  
1824 | of the teacher in assuring a safe learning environment for  
1825 | students.

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1826           6. Required achievement of passing scores on the subject  
 1827 area and professional education competency examination required  
 1828 by State Board of Education rule. Mastery of general knowledge  
 1829 must be demonstrated as described in subsection (3).

1830           (c) No later than December 31, 2017, the department shall  
 1831 adopt standards for the approval of professional development  
 1832 certification and education competency programs, including  
 1833 standards for the teacher mentorship and induction component,  
 1834 under paragraph (a). Standards for the teacher mentorship and  
 1835 induction component must include program administration and  
 1836 evaluation; mentor roles, selection, and training; beginning  
 1837 teacher assessment and professional development; and teacher  
 1838 content knowledge and practices aligned to the Florida Educator  
 1839 Accomplished Practices. Each school district or charter school  
 1840 with a program under this subsection must submit its program,  
 1841 including the teacher mentorship and induction component, to the  
 1842 department for approval no later than June 30, 2018. After  
 1843 December 31, 2018, a teacher may not satisfy requirements for a  
 1844 professional certificate through a professional development  
 1845 certification and education competency program under paragraph  
 1846 (a) unless the program has been approved by the department  
 1847 pursuant to this paragraph.

1848           Section 9. Paragraph (b) of subsection (2) of section  
 1849 1004.04, Florida Statutes, is amended to read:

1850           1004.04 Public accountability and state approval for

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1851 teacher preparation programs.—

1852 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

1853 (b) The rules to establish uniform core curricula for each  
 1854 state-approved teacher preparation program must include, but are  
 1855 not limited to, the following:

1856 1. The Florida Educator Accomplished Practices.

1857 2. The state-adopted content standards.

1858 3. Scientifically researched and evidence-based reading  
 1859 instructional strategies that improve reading performance for  
 1860 all students, including explicit, systematic, and sequential  
 1861 approaches to teaching phonemic awareness, phonics, vocabulary,  
 1862 fluency, and text comprehension and multisensory intervention  
 1863 strategies ~~instruction~~.

1864 4. Content literacy and mathematics practices.

1865 5. Strategies appropriate for the instruction of English  
 1866 language learners.

1867 6. Strategies appropriate for the instruction of students  
 1868 with disabilities.

1869 7. School safety.

1870 Section 10. Paragraph (a) of subsection (3) of section  
 1871 1004.85, Florida Statutes, is amended to read:

1872 1004.85 Postsecondary educator preparation institutes.—

1873 (3) Educator preparation institutes approved pursuant to  
 1874 this section may offer competency-based certification programs  
 1875 specifically designed for noneducation major baccalaureate

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1876 degree holders to enable program participants to meet the  
 1877 educator certification requirements of s. 1012.56. An educator  
 1878 preparation institute choosing to offer a competency-based  
 1879 certification program pursuant to the provisions of this section  
 1880 must implement a program previously approved by the Department  
 1881 of Education for this purpose or a program developed by the  
 1882 institute and approved by the department for this purpose.  
 1883 Approved programs shall be available for use by other approved  
 1884 educator preparation institutes.

1885 (a) Within 90 days after receipt of a request for  
 1886 approval, the Department of Education shall approve a  
 1887 preparation program pursuant to the requirements of this  
 1888 subsection or issue a statement of the deficiencies in the  
 1889 request for approval. The department shall approve a  
 1890 certification program if the institute provides evidence of the  
 1891 institute's capacity to implement a competency-based program  
 1892 that includes each of the following:

1893 1.a. Participant instruction and assessment in the Florida  
 1894 Educator Accomplished Practices.

1895 b. The state-adopted student content standards.

1896 c. Scientifically researched and evidence-based reading  
 1897 instructional strategies that improve reading performance for  
 1898 all students, including explicit, systematic, and sequential  
 1899 approaches to teaching phonemic awareness, phonics, vocabulary,  
 1900 fluency, and text comprehension and multisensory intervention

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1901 | strategies ~~instruction~~.

1902 |       d. Content literacy and mathematical practices.

1903 |       e. Strategies appropriate for instruction of English

1904 | language learners.

1905 |       f. Strategies appropriate for instruction of students with

1906 | disabilities.

1907 |       g. School safety.

1908 |       2. An educational plan for each participant to meet

1909 | certification requirements and demonstrate his or her ability to

1910 | teach the subject area for which the participant is seeking

1911 | certification, which is based on an assessment of his or her

1912 | competency in the areas listed in subparagraph 1.

1913 |       3. Field experiences appropriate to the certification

1914 | subject area specified in the educational plan with a diverse

1915 | population of students in a variety of settings under the

1916 | supervision of qualified educators.

1917 |       4. A certification ombudsman to facilitate the process and

1918 | procedures required for participants who complete the program to

1919 | meet any requirements related to the background screening

1920 | pursuant to s. 1012.32 and educator professional or temporary

1921 | certification pursuant to s. 1012.56.

1922 |       Section 11. Paragraph (a) of subsection (3) of section

1923 | 1012.585, Florida Statutes, is amended, and paragraph (f) is

1924 | added to that subsection, to read:

1925 |       1012.585 Process for renewal of professional



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1926 certificates.—

1927           (3) For the renewal of a professional certificate, the

1928 following requirements must be met:

1929           (a) The applicant must earn a minimum of 6 college credits

1930 or 120 inservice points or a combination thereof. For each area

1931 of specialization to be retained on a certificate, the applicant

1932 must earn at least 3 of the required credit hours or equivalent

1933 inservice points in the specialization area. Education in

1934 "clinical educator" training pursuant to s. 1004.04(5)(b);

1935 participation in mentorship and induction activities, including

1936 as a mentor, pursuant to s. 1012.56(8)(a); and credits or points

1937 that provide training in the area of scientifically researched,

1938 knowledge-based reading literacy, including explicit,

1939 systematic, and sequential approaches to reading instruction,

1940 developing phonemic awareness, and implementing multisensory

1941 intervention strategies, and computational skills acquisition,

1942 exceptional student education, normal child development, and the

1943 disorders of development may be applied toward any

1944 specialization area. Credits or points that provide training in

1945 the areas of drug abuse, child abuse and neglect, strategies in

1946 teaching students having limited proficiency in English, or

1947 dropout prevention, or training in areas identified in the

1948 educational goals and performance standards adopted pursuant to

1949 ss. 1000.03(5) and 1008.345 may be applied toward any

1950 specialization area, except specialization areas identified by

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1951 | State Board of Education rule that include reading instruction  
 1952 | or intervention for any students in kindergarten through grade  
 1953 | 6. Credits or points earned through approved summer institutes  
 1954 | may be applied toward the fulfillment of these requirements.  
 1955 | Inservice points may also be earned by participation in  
 1956 | professional growth components approved by the State Board of  
 1957 | Education and specified pursuant to s. 1012.98 in the district's  
 1958 | approved master plan for inservice educational training;  
 1959 | however, such points may not be used to satisfy the  
 1960 | specialization requirements of this paragraph, including, but  
 1961 | not limited to, serving as a trainer in an approved teacher  
 1962 | training activity, serving on an instructional materials  
 1963 | committee or a state board or commission that deals with  
 1964 | educational issues, or serving on an advisory council created  
 1965 | pursuant to s. 1001.452.

1966 |       (f) An applicant for renewal of a professional certificate  
 1967 | in any area of certification identified by State Board of  
 1968 | Education rule that includes reading instruction or intervention  
 1969 | for any students in kindergarten through grade 6, with a  
 1970 | beginning validity date of July 1, 2020, or thereafter, must  
 1971 | earn a minimum of 2 college credits or the equivalent inservice  
 1972 | points in the use of explicit, systematic, and sequential  
 1973 | approaches to reading instruction, developing phonemic  
 1974 | awareness, and implementing multisensory intervention  
 1975 | strategies. Such training must be provided by teacher

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1976 | preparation programs under s. 1004.04 or s. 1004.85 or approved  
 1977 | school district professional development systems under s.  
 1978 | 1012.98. The requirements in this paragraph may not add to the  
 1979 | total hours required by the department for continuing education  
 1980 | or inservice training.

1981 | Section 12. Subsection (1) of section 1012.586, Florida  
 1982 | Statutes, is amended to read:

1983 | 1012.586 Additions or changes to certificates; duplicate  
 1984 | certificates.—A school district may process via a Department of  
 1985 | Education website certificates for the following applications of  
 1986 | public school employees:

1987 | (1) Addition of a subject coverage or endorsement to a  
 1988 | valid Florida certificate on the basis of the completion of the  
 1989 | appropriate subject area testing requirements of s.  
 1990 | 1012.56(5) (a) or the completion of the requirements of an  
 1991 | approved school district program or the inservice components for  
 1992 | an endorsement.

1993 | (a) To reduce duplication, the department may recommend  
 1994 | the consolidation of endorsement areas and requirements to the  
 1995 | State Board of Education.

1996 | (b) By July 1, 2018, and at least once every 5 years  
 1997 | thereafter, the department shall conduct a review of existing  
 1998 | subject coverage or endorsement requirements in the elementary,  
 1999 | reading, and exceptional student educational areas. The review  
 2000 | must include reciprocity requirements for out-of-state

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2001 certificates and requirements for demonstrating competency in  
 2002 the reading instruction professional development topics listed  
 2003 in s. 1012.98(4)(b)11. At the conclusion of each review, the  
 2004 department shall recommend to the state board changes to the  
 2005 subject coverage or endorsement requirements based upon any  
 2006 identified instruction or intervention strategies proven to  
 2007 improve student reading performance. This paragraph does not  
 2008 authorize the state board to establish any new certification  
 2009 subject coverage.

2010  
 2011 The employing school district shall charge the employee a fee  
 2012 not to exceed the amount charged by the Department of Education  
 2013 for such services. Each district school board shall retain a  
 2014 portion of the fee as defined in the rules of the State Board of  
 2015 Education. The portion sent to the department shall be used for  
 2016 maintenance of the technology system, the web application, and  
 2017 posting and mailing of the certificate.

2018 Section 13. Paragraph (e) is added to subsection (3) of  
 2019 section 1012.98, Florida Statutes, and paragraph (b) of  
 2020 subsection (4) and subsections (10) and (11) of that section are  
 2021 amended, to read:

2022 1012.98 School Community Professional Development Act.—

2023 (3) The activities designed to implement this section  
 2024 must:

2025 (e) Provide training to teacher mentors as part of the

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2026 | professional development certification and education competency  
 2027 | program under s. 1012.56(8)(a). The training must include  
 2028 | components on teacher development, peer coaching, time  
 2029 | management, and other related topics as determined by the  
 2030 | Department of Education.

2031 | (4) The Department of Education, school districts,  
 2032 | schools, Florida College System institutions, and state  
 2033 | universities share the responsibilities described in this  
 2034 | section. These responsibilities include the following:

2035 | (b) Each school district shall develop a professional  
 2036 | development system as specified in subsection (3). The system  
 2037 | shall be developed in consultation with teachers, teacher-  
 2038 | educators of Florida College System institutions and state  
 2039 | universities, business and community representatives, and local  
 2040 | education foundations, consortia, and professional  
 2041 | organizations. The professional development system must:

2042 | 1. Be approved by the department. All substantial  
 2043 | revisions to the system shall be submitted to the department for  
 2044 | review for continued approval.

2045 | 2. Be based on analyses of student achievement data and  
 2046 | instructional strategies and methods that support rigorous,  
 2047 | relevant, and challenging curricula for all students. Schools  
 2048 | and districts, in developing and refining the professional  
 2049 | development system, shall also review and monitor school  
 2050 | discipline data; school environment surveys; assessments of

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2051 parental satisfaction; performance appraisal data of teachers,  
2052 managers, and administrative personnel; and other performance  
2053 indicators to identify school and student needs that can be met  
2054 by improved professional performance.

2055 3. Provide inservice activities coupled with followup  
2056 support appropriate to accomplish district-level and school-  
2057 level improvement goals and standards. The inservice activities  
2058 for instructional personnel shall focus on analysis of student  
2059 achievement data, ongoing formal and informal assessments of  
2060 student achievement, identification and use of enhanced and  
2061 differentiated instructional strategies that emphasize rigor,  
2062 relevance, and reading in the content areas, enhancement of  
2063 subject content expertise, integrated use of classroom  
2064 technology that enhances teaching and learning, classroom  
2065 management, parent involvement, and school safety.

2066 4. Provide inservice activities and support targeted to  
2067 the individual needs of new teachers participating in the  
2068 professional development certification and education competency  
2069 program under s. 1012.56(8) (a).

2070 5.4. Include a master plan for inservice activities,  
2071 pursuant to rules of the State Board of Education, for all  
2072 district employees from all fund sources. The master plan shall  
2073 be updated annually by September 1, must be based on input from  
2074 teachers and district and school instructional leaders, and must  
2075 use the latest available student achievement data and research

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2076 | to enhance rigor and relevance in the classroom. Each district  
 2077 | inservice plan must be aligned to and support the school-based  
 2078 | inservice plans and school improvement plans pursuant to s.  
 2079 | 1001.42(18). Each district inservice plan must provide a  
 2080 | description of the training that middle grades instructional  
 2081 | personnel and school administrators receive on the district's  
 2082 | code of student conduct adopted pursuant to s. 1006.07;  
 2083 | integrated digital instruction and competency-based instruction  
 2084 | and CAPE Digital Tool certificates and CAPE industry  
 2085 | certifications; classroom management; student behavior and  
 2086 | interaction; extended learning opportunities for students; and  
 2087 | instructional leadership. District plans must be approved by the  
 2088 | district school board annually in order to ensure compliance  
 2089 | with subsection (1) and to allow for dissemination of research-  
 2090 | based best practices to other districts. District school boards  
 2091 | must submit verification of their approval to the Commissioner  
 2092 | of Education no later than October 1, annually. Each school  
 2093 | principal may establish and maintain an individual professional  
 2094 | development plan for each instructional employee assigned to the  
 2095 | school as a seamless component to the school improvement plans  
 2096 | developed pursuant to s. 1001.42(18). An individual professional  
 2097 | development plan must be related to specific performance data  
 2098 | for the students to whom the teacher is assigned, define the  
 2099 | inservice objectives and specific measurable improvements  
 2100 | expected in student performance as a result of the inservice

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2101 activity, and include an evaluation component that determines  
 2102 the effectiveness of the professional development plan.

2103 ~~6.5.~~ Include inservice activities for school  
 2104 administrative personnel that address updated skills necessary  
 2105 for instructional leadership and effective school management  
 2106 pursuant to s. 1012.986.

2107 ~~7.6.~~ Provide for systematic consultation with regional and  
 2108 state personnel designated to provide technical assistance and  
 2109 evaluation of local professional development programs.

2110 ~~8.7.~~ Provide for delivery of professional development by  
 2111 distance learning and other technology-based delivery systems to  
 2112 reach more educators at lower costs.

2113 ~~9.8.~~ Provide for the continuous evaluation of the quality  
 2114 and effectiveness of professional development programs in order  
 2115 to eliminate ineffective programs and strategies and to expand  
 2116 effective ones. Evaluations must consider the impact of such  
 2117 activities on the performance of participating educators and  
 2118 their students' achievement and behavior.

2119 ~~10.9.~~ For middle grades, emphasize:

2120 a. Interdisciplinary planning, collaboration, and  
 2121 instruction.

2122 b. Alignment of curriculum and instructional materials to  
 2123 the state academic standards adopted pursuant to s. 1003.41.

2124 c. Use of small learning communities; problem-solving,  
 2125 inquiry-driven research and analytical approaches for students;



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2126 strategies and tools based on student needs; competency-based  
2127 instruction; integrated digital instruction; and project-based  
2128 instruction.

2129

2130 Each school that includes any of grades 6, 7, or 8 must include  
2131 in its school improvement plan, required under s. 1001.42(18), a  
2132 description of the specific strategies used by the school to  
2133 implement each item listed in this subparagraph.

2134 11. Provide training to reading coaches, classroom  
2135 teachers, and school administrators in effective methods of  
2136 identifying characteristics of conditions such as dyslexia and  
2137 other causes of diminished phonological processing skills;  
2138 incorporating instructional techniques into the general  
2139 education setting which are proven to improve reading  
2140 performance for all students; and using predictive and other  
2141 data to make instructional decisions based on individual student  
2142 needs. The training must help teachers integrate phonemic  
2143 awareness; phonics, word study, and spelling; reading fluency;  
2144 vocabulary, including academic vocabulary; and text  
2145 comprehension strategies into an explicit, systematic, and  
2146 sequential approach to reading instruction, including  
2147 multisensory intervention strategies. Each district must provide  
2148 all elementary grades instructional personnel access to training  
2149 sufficient to meet the requirements of s. 1012.585(3)(f).

2150 (10) For instructional personnel and administrative

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2151 personnel who have been evaluated as less than effective, a  
2152 district school board shall require participation in specific  
2153 professional development programs as provided in subparagraph  
2154 (4) (b) 5. ~~(4) (b) 4.~~ as part of the improvement prescription.

2155 (11) The department shall disseminate to the school  
2156 community proven model professional development programs that  
2157 have demonstrated success in increasing rigorous and relevant  
2158 content, increasing student achievement and engagement, ~~and~~  
2159 meeting identified student needs, and providing effective  
2160 mentorship activities to new teachers and training to teacher  
2161 mentors. The methods of dissemination must include a web-based  
2162 statewide performance-support system including a database of  
2163 exemplary professional development activities, a listing of  
2164 available professional development resources, training programs,  
2165 and available technical assistance.

2166 Section 14. Section 683.1455, Florida Statutes, is created  
2167 to read:

2168 683.1455 American Founders' Month.—

2169 (1) The month of September of each year is designated as  
2170 "American Founders' Month."

2171 (2) The Governor may annually issue a proclamation  
2172 designating the month of September as "American Founders' Month"  
2173 and urging all civic, fraternal, and religious organizations and  
2174 public and private educational institutions to recognize and  
2175 observe this occasion through appropriate programs, meetings,

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2176 services, or celebrations in which state, county, and local  
 2177 governmental officials are invited to participate.

2178 Section 15. Paragraphs (c) through (g) of subsection (5)  
 2179 of section 1000.03, Florida Statutes, are redesignated as  
 2180 paragraphs (d) through (h), respectively, and a new paragraph  
 2181 (c) is added to that subsection to read:

2182 1000.03 Function, mission, and goals of the Florida K-20  
 2183 education system.—

2184 (5) The priorities of Florida's K-20 education system  
 2185 include:

2186 (c) Civic literacy.—Students are prepared to become  
 2187 civically engaged and knowledgeable adults who make positive  
 2188 contributions to their communities.

2189 Section 16. Section 1001.215, Florida Statutes, is amended  
 2190 to read:

2191 1001.215 Just Read, Florida! Office.—There is created in  
 2192 the Department of Education the Just Read, Florida! Office. The  
 2193 office is ~~shall be~~ fully accountable to the Commissioner of  
 2194 Education and shall:

2195 (1) Train ~~highly effective~~ reading coaches.

2196 (2) Create multiple designations of effective reading  
 2197 instruction, with accompanying credentials, to enable ~~which~~  
 2198 ~~encourage~~ all teachers to integrate reading instruction into  
 2199 their content areas.

2200 (3) Work with the Lastinger Center for Learning at the

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2201 University of Florida to develop training for ~~train~~ K-12  
 2202 teachers, reading coaches, and school principals on effective  
 2203 content-area-specific reading strategies; the integration of  
 2204 content-rich curriculum from other core subject areas into  
 2205 reading instruction; and evidence-based reading strategies  
 2206 identified in subsection (7) to improve student reading  
 2207 performance. For secondary teachers, emphasis shall be on  
 2208 technical text. These strategies must be developed for all  
 2209 content areas in the K-12 curriculum.

2210 (4) Develop and provide access to sequenced, content-rich  
 2211 curriculum programming, instructional practices, and resources  
 2212 that help elementary schools use state-adopted instructional  
 2213 materials to increase students' background knowledge and  
 2214 literacy skills, including student attainment of the Next  
 2215 Generation Sunshine State Standards for social studies, science,  
 2216 and the arts.

2217 (5)~~(4)~~ Provide parents with information and strategies for  
 2218 assisting their children in reading, including reading in the  
 2219 content areas ~~area~~.

2220 (6)~~(5)~~ Provide technical assistance to school districts in  
 2221 the development and implementation of district plans for use of  
 2222 the research-based reading instruction allocation provided in s.  
 2223 1011.62(9) and annually review and approve such plans.

2224 (7)~~(6)~~ Review, evaluate, and provide technical assistance  
 2225 to school districts' implementation of the K-12 comprehensive

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2226 reading plan required in s. 1011.62(9).

2227 (8)~~(7)~~ Work with the Florida Center for Reading Research  
 2228 to identify scientifically researched and evidence-based reading  
 2229 instructional and intervention programs that incorporate  
 2230 explicit, systematic, and sequential approaches to teaching  
 2231 phonemic awareness, phonics, vocabulary, fluency, and text  
 2232 comprehension and incorporate decodable or phonetic text  
 2233 instructional ~~provide information on research-based reading~~  
 2234 ~~programs and effective reading in the content area strategies.~~  
 2235 Reading intervention includes evidence-based strategies  
 2236 frequently used to remediate reading deficiencies and includes,  
 2237 but is not limited to, individual instruction, multisensory  
 2238 approaches, tutoring, mentoring, or the use of technology that  
 2239 targets specific reading skills and abilities.

2240 (9)~~(8)~~ Periodically review the Next Generation Sunshine  
 2241 State Standards for English Language Arts to determine their  
 2242 appropriateness at each grade level ~~reading at all grade levels.~~

2243 (10)~~(9)~~ Periodically review teacher certification  
 2244 requirements and examinations, including alternative  
 2245 certification requirements and examinations ~~exams~~, to ascertain  
 2246 whether the examinations measure the skills needed for evidence-  
 2247 based ~~research-based~~ reading instruction and instructional  
 2248 strategies for teaching reading, including reading in ~~the~~  
 2249 content areas.

2250 (11)~~(10)~~ Work with teacher preparation programs approved

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2251 pursuant to ss. ~~s.~~ 1004.04 and 1004.85 to integrate effective,  
 2252 research-based and evidence-based reading instructional and  
 2253 intervention strategies, including explicit, systematic, and  
 2254 sequential and reading strategies, multisensory intervention  
 2255 strategies, and reading in the content area instructional  
 2256 strategies into teacher preparation programs.

2257 (12)~~(11)~~ Administer grants and perform other functions as  
 2258 necessary to help meet the goal that all students read at their  
 2259 highest potential ~~grade level.~~

2260 Section 17. Subsection (3) is added to section 1003.44,  
 2261 Florida Statutes, to read:

2262 1003.44 Patriotic programs; rules.—

2263 (3) All public schools in the state are encouraged to  
 2264 coordinate, at all grade levels, instruction related to our  
 2265 nation's founding fathers with "American Founders' Month"  
 2266 pursuant to s. 683.1455.

2267 Section 18. Subsections (4) through (11) of section  
 2268 1007.25, Florida Statutes, are renumbered as subsections (5)  
 2269 through (12), respectively, and a new subsection (4) is added to  
 2270 that section to read:

2271 1007.25 General education courses; common prerequisites;  
 2272 other degree requirements.—

2273 (4) Beginning with students initially entering a Florida  
 2274 College System institution or state university in the 2018-2019  
 2275 school year and thereafter, each student must demonstrate

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2276 competency in civic literacy. Students must have the option to  
 2277 demonstrate competency through successful completion of a civic  
 2278 literacy course or by achieving a passing score on an  
 2279 assessment. The State Board of Education must adopt in rule and  
 2280 the Board of Governors must adopt in regulation at least one  
 2281 existing assessment that measures competencies consistent with  
 2282 the required course competencies outlined in paragraph (b). The  
 2283 chair of the State Board of Education and the chair of the Board  
 2284 of Governors, or their respective designees, shall jointly  
 2285 appoint a faculty committee to:

2286 (a) Develop a new course in civic literacy or revise an  
 2287 existing general education core course in American History or  
 2288 American Government to include civic literacy.

2289 (b) Establish course competencies and identify outcomes  
 2290 that include, at a minimum, an understanding of the basic  
 2291 principles of American democracy and how they are applied in our  
 2292 republican form of government, an understanding of the United  
 2293 States Constitution, knowledge of the founding documents and how  
 2294 they have shaped the nature and functions of our institutions of  
 2295 self-governance, and an understanding of landmark Supreme Court  
 2296 cases and their impact on law and society.

2297 Section 19. Paragraph (c) of subsection (1) of section  
 2298 943.22, Florida Statutes, is amended to read:

2299 943.22 Salary incentive program for full-time officers.—

2300 (1) For the purpose of this section, the term:

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2301 (c) "Community college degree or equivalent" means  
 2302 graduation from an accredited community college or having been  
 2303 granted a degree pursuant to s. 1007.25(11) ~~s. 1007.25(10)~~ or  
 2304 successful completion of 60 semester hours or 90 quarter hours  
 2305 and eligibility to receive an associate degree from an  
 2306 accredited college, university, or community college.

2307 Section 20. Subsection (7) and paragraph (d) of subsection  
 2308 (8) of section 1001.64, Florida Statutes, are amended to read:

2309 1001.64 Florida College System institution boards of  
 2310 trustees; powers and duties.—

2311 (7) Each board of trustees has responsibility for:  
 2312 ensuring that students have access to general education courses  
 2313 as identified in rule; requiring no more than 60 semester hours  
 2314 of degree program coursework, including 36 semester hours of  
 2315 general education coursework, for an associate in arts degree;  
 2316 notifying students that earned hours in excess of 60 semester  
 2317 hours may not be accepted by state universities; notifying  
 2318 students of unique program prerequisites; and ensuring that  
 2319 degree program coursework beyond general education coursework is  
 2320 consistent with degree program prerequisite requirements adopted  
 2321 pursuant to s. 1007.25(6) ~~s. 1007.25(5)~~.

2322 (8) Each board of trustees has authority for policies  
 2323 related to students, enrollment of students, student records,  
 2324 student activities, financial assistance, and other student  
 2325 services.



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2326 (d) Boards of trustees shall identify their general  
 2327 education curricula pursuant to s. 1007.25(7) ~~s. 1007.25(6)~~.

2328 Section 21. Subsection (1), paragraphs (a), (b), (c), and  
 2329 (h) of subsection (6), subsection (7), paragraph (b) of  
 2330 subsection (8), paragraph (n) of subsection (9), paragraph (a)  
 2331 of subsection (10), paragraph (h) of subsection (12), subsection  
 2332 (13), paragraphs (b) and (c) of subsection (17), paragraphs (a)  
 2333 and (c) of subsection (18), subsections (19) and (20),  
 2334 paragraphs (a) and (b) of subsection (21), and subsections (25)  
 2335 and (28) of section 1002.33, Florida Statutes, are amended to  
 2336 read:

2337 1002.33 Charter schools.—

2338 (1) AUTHORIZATION. ~~Charter schools shall be part of the~~  
 2339 ~~state's program of public education.~~ All charter schools in  
 2340 Florida are public schools and shall be part of the state's  
 2341 program of public education. A charter school may be formed by  
 2342 creating a new school or converting an existing public school to  
 2343 charter status. A charter school may operate a virtual charter  
 2344 school pursuant to s. 1002.45(1)(d) to provide full-time online  
 2345 instruction to ~~eligible~~ students, pursuant to s. 1002.455, in  
 2346 kindergarten through grade 12. The school district in which the  
 2347 student enrolls in the virtual charter school shall report the  
 2348 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and  
 2349 the home school district shall not report the student for  
 2350 funding. An existing charter school that is seeking to become a

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2351 virtual charter school must amend its charter or submit a new  
 2352 application pursuant to subsection (6) to become a virtual  
 2353 charter school. A virtual charter school is subject to the  
 2354 requirements of this section; however, a virtual charter school  
 2355 is exempt from subsections (18) and (19), ~~subparagraphs~~  
 2356 ~~(20) (a) 2., 4., 5., and 7.,~~ paragraph (20) (c), and s. 1003.03. A  
 2357 public school may not use the term charter in its name unless it  
 2358 has been approved under this section.

2359 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
 2360 applications are subject to the following requirements:

2361 (a) A person or entity seeking to open a charter school  
 2362 shall prepare and submit an application on the standard ~~a model~~  
 2363 application form prepared by the Department of Education which:

2364 1. Demonstrates how the school will use the guiding  
 2365 principles and meet the statutorily defined purpose of a charter  
 2366 school.

2367 2. Provides a detailed curriculum plan that illustrates  
 2368 how students will be provided services to attain the Sunshine  
 2369 State Standards.

2370 3. Contains goals and objectives for improving student  
 2371 learning and measuring that improvement. These goals and  
 2372 objectives must indicate how much academic improvement students  
 2373 are expected to show each year, how success will be evaluated,  
 2374 and the specific results to be attained through instruction.

2375 4. Describes the reading curriculum and differentiated

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2376 strategies that will be used for students reading at grade level  
2377 or higher and a separate curriculum and strategies for students  
2378 who are reading below grade level. A sponsor shall deny an  
2379 application if the school does not propose a reading curriculum  
2380 that is consistent with effective teaching strategies that are  
2381 grounded in scientifically based reading research.

2382 5. Contains an annual financial plan for each year  
2383 requested by the charter for operation of the school for up to 5  
2384 years. This plan must contain anticipated fund balances based on  
2385 revenue projections, a spending plan based on projected revenues  
2386 and expenses, and a description of controls that will safeguard  
2387 finances and projected enrollment trends.

2388 6. Discloses the name of each applicant, governing board  
2389 member, and all proposed education services providers; the name  
2390 and sponsor of any charter school operated by each applicant,  
2391 each governing board member, and each proposed education  
2392 services provider that has closed and the reasons for the  
2393 closure; and the academic and financial history of such charter  
2394 schools, which the sponsor shall consider in deciding whether to  
2395 approve or deny the application.

2396 7. Contains additional information a sponsor may require,  
2397 which shall be attached as an addendum to the charter school  
2398 application described in this paragraph.

2399 8. For the establishment of a virtual charter school,  
2400 documents that the applicant has contracted with a provider of

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2401 virtual instruction services pursuant to s. 1002.45(1)(d).

2402 (b) A sponsor shall receive and review all applications  
2403 for a charter school using the evaluation instrument developed  
2404 by the Department of Education. A sponsor shall receive and  
2405 consider charter school applications received on or before  
2406 August 1 of each calendar year for charter schools to be opened  
2407 at the beginning of the school district's next school year, or  
2408 to be opened at a time agreed to by the applicant and the  
2409 sponsor. A sponsor may not refuse to receive a charter school  
2410 application submitted before August 1 and may receive an  
2411 application submitted later than August 1 if it chooses.

2412 Beginning in 2018 and thereafter, a sponsor shall receive and  
2413 consider charter school applications received on or before  
2414 February 1 of each calendar year for charter schools to be  
2415 opened 18 months later at the beginning of the school district's  
2416 school year, or to be opened at a time agreed to by the  
2417 applicant and the sponsor. A sponsor may not refuse to receive a  
2418 charter school application submitted before February 1 and may  
2419 receive an application submitted later than February 1 if it  
2420 chooses. ~~In order to facilitate greater collaboration in the~~  
2421 ~~application process, an applicant may submit a draft charter~~  
2422 ~~school application on or before May 1 with an application fee of~~  
2423 ~~\$500. If a draft application is timely submitted, the sponsor~~  
2424 ~~shall review and provide feedback as to material deficiencies in~~  
2425 ~~the application by July 1. The applicant shall then have until~~

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2426 ~~August 1 to resubmit a revised and final application. The~~  
 2427 ~~sponsor may approve the draft application. Except as provided~~  
 2428 ~~for a draft application,~~ A sponsor may not charge an applicant  
 2429 for a charter any fee for the processing or consideration of an  
 2430 application, and a sponsor may not base its consideration or  
 2431 approval of a final application upon the promise of future  
 2432 payment of any kind. Before approving or denying any ~~final~~  
 2433 application, the sponsor shall allow the applicant, upon receipt  
 2434 of written notification, at least 7 calendar days to make  
 2435 technical or nonsubstantive corrections and clarifications,  
 2436 including, but not limited to, corrections of grammatical,  
 2437 typographical, and like errors or missing signatures, if such  
 2438 errors are identified by the sponsor as cause to deny the final  
 2439 application.

2440         1. In order to facilitate an accurate budget projection  
 2441 process, a sponsor shall be held harmless for FTE students who  
 2442 are not included in the FTE projection due to approval of  
 2443 charter school applications after the FTE projection deadline.  
 2444 In a further effort to facilitate an accurate budget projection,  
 2445 within 15 calendar days after receipt of a charter school  
 2446 application, a sponsor shall report to the Department of  
 2447 Education the name of the applicant entity, the proposed charter  
 2448 school location, and its projected FTE.

2449         2. In order to ensure fiscal responsibility, an  
 2450 application for a charter school shall include a full accounting

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2451 of expected assets, a projection of expected sources and amounts  
 2452 of income, including income derived from projected student  
 2453 enrollments and from community support, and an expense  
 2454 projection that includes full accounting of the costs of  
 2455 operation, including start-up costs.

2456 3.a. A sponsor shall by a majority vote approve or deny an  
 2457 application no later than 90 ~~60~~ calendar days after the  
 2458 application is received, unless the sponsor and the applicant  
 2459 mutually agree in writing to temporarily postpone the vote to a  
 2460 specific date, at which time the sponsor shall by a majority  
 2461 vote approve or deny the application. If the sponsor fails to  
 2462 act on the application, an applicant may appeal to the State  
 2463 Board of Education as provided in paragraph (c). If an  
 2464 application is denied, the sponsor shall, within 10 calendar  
 2465 days after such denial, articulate in writing the specific  
 2466 reasons, based upon good cause, supporting its denial of the  
 2467 application and shall provide the letter of denial and  
 2468 supporting documentation to the applicant and to the Department  
 2469 of Education.

2470 b. An application submitted by a high-performing charter  
 2471 school identified pursuant to s. 1002.331 or a high-performing  
 2472 charter school system identified pursuant to s. 1002.332 may be  
 2473 denied by the sponsor only if the sponsor demonstrates by clear  
 2474 and convincing evidence that:

2475 (I) The application does not materially comply with the

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2476 requirements in paragraph (a);

2477 (II) The charter school proposed in the application does  
 2478 not materially comply with the requirements in paragraphs  
 2479 (9) (a) - (f);

2480 (III) The proposed charter school's educational program  
 2481 does not substantially replicate that of the applicant or one of  
 2482 the applicant's high-performing charter schools;

2483 (IV) The applicant has made a material misrepresentation  
 2484 or false statement or concealed an essential or material fact  
 2485 during the application process; or

2486 (V) The proposed charter school's educational program and  
 2487 financial management practices do not materially comply with the  
 2488 requirements of this section.

2489  
 2490 Material noncompliance is a failure to follow requirements or a  
 2491 violation of prohibitions applicable to charter school  
 2492 applications, which failure is quantitatively or qualitatively  
 2493 significant either individually or when aggregated with other  
 2494 noncompliance. An applicant is considered to be replicating a  
 2495 high-performing charter school if the proposed school is  
 2496 substantially similar to at least one of the applicant's high-  
 2497 performing charter schools and the organization or individuals  
 2498 involved in the establishment and operation of the proposed  
 2499 school are significantly involved in the operation of replicated  
 2500 schools.

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2501 c. If the sponsor denies an application submitted by a  
 2502 high-performing charter school or a high-performing charter  
 2503 school system, the sponsor must, within 10 calendar days after  
 2504 such denial, state in writing the specific reasons, based upon  
 2505 the criteria in sub-subparagraph b., supporting its denial of  
 2506 the application and must provide the letter of denial and  
 2507 supporting documentation to the applicant and to the Department  
 2508 of Education. The applicant may appeal the sponsor's denial of  
 2509 the application in accordance with ~~directly to the State Board~~  
 2510 ~~of Education and, if an appeal is filed, must provide a copy of~~  
 2511 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

2512 4. For budget projection purposes, the sponsor shall  
 2513 report to the Department of Education the approval or denial of  
 2514 an application within 10 calendar days after such approval or  
 2515 denial. In the event of approval, the report to the Department  
 2516 of Education shall include the final projected FTE for the  
 2517 approved charter school.

2518 5. Upon approval of an application, the initial startup  
 2519 shall commence with the beginning of the public school calendar  
 2520 for the district in which the charter is granted. A charter  
 2521 school may defer the opening of the school's operations for up  
 2522 to 2 years to provide time for adequate facility planning. The  
 2523 charter school must provide written notice of such intent to the  
 2524 sponsor and the parents of enrolled students at least 30  
 2525 calendar days before the first day of school.



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2526 (c)1. An applicant may appeal any denial of that  
 2527 applicant's application or failure to act on an application to  
 2528 the State Board of Education no later than 30 calendar days  
 2529 after receipt of the sponsor's decision or failure to act and  
 2530 shall notify the sponsor of its appeal. Any response of the  
 2531 sponsor shall be submitted to the State Board of Education  
 2532 within 30 calendar days after notification of the appeal. Upon  
 2533 receipt of notification from the State Board of Education that a  
 2534 charter school applicant is filing an appeal, the Commissioner  
 2535 of Education shall convene a meeting of the Charter School  
 2536 Appeal Commission to study and make recommendations to the State  
 2537 Board of Education regarding its pending decision about the  
 2538 appeal. The commission shall forward its recommendation to the  
 2539 state board at least 7 calendar days before the date on which  
 2540 the appeal is to be heard. ~~An appeal regarding the denial of an~~  
 2541 ~~application submitted by a high-performing charter school~~  
 2542 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~  
 2543 ~~Education in accordance with this paragraph, except that the~~  
 2544 ~~commission shall not convene to make recommendations regarding~~  
 2545 ~~the appeal. However, the Commissioner of Education shall review~~  
 2546 ~~the appeal and make a recommendation to the state board.~~  
 2547 2. The Charter School Appeal Commission ~~or, in the case of~~  
 2548 ~~an appeal regarding an application submitted by a high-~~  
 2549 ~~performing charter school, the State Board of Education may~~  
 2550 reject an appeal submission for failure to comply with

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2551 procedural rules governing the appeals process. The rejection  
 2552 shall describe the submission errors. The appellant shall have  
 2553 15 calendar days after notice of rejection in which to resubmit  
 2554 an appeal that meets the requirements set forth in State Board  
 2555 of Education rule. An appeal submitted subsequent to such  
 2556 rejection is considered timely if the original appeal was filed  
 2557 within 30 calendar days after receipt of notice of the specific  
 2558 reasons for the sponsor's denial of the charter application.

2559 3.a. The State Board of Education shall by majority vote  
 2560 accept or reject the decision of the sponsor no later than 90  
 2561 calendar days after an appeal is filed in accordance with State  
 2562 Board of Education rule. The State Board of Education shall  
 2563 remand the application to the sponsor with its written decision  
 2564 that the sponsor approve or deny the application. The sponsor  
 2565 shall implement the decision of the State Board of Education.  
 2566 The decision of the State Board of Education is not subject to  
 2567 the provisions of the Administrative Procedure Act, chapter 120.

2568 b. If an appeal concerns an application submitted by a  
 2569 high-performing charter school identified pursuant to s.  
 2570 1002.331 or a high-performing charter school system identified  
 2571 pursuant to s. 1002.332, the State Board of Education shall  
 2572 determine whether the sponsor's denial was in accordance with  
 2573 sub-subparagraph (b)3.b. sponsor has shown, by clear and  
 2574 convincing evidence, that:

2575 ~~(I) The application does not materially comply with the~~

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2576 ~~requirements in paragraph (a);~~

2577 ~~(II) The charter school proposed in the application does~~  
 2578 ~~not materially comply with the requirements in paragraphs~~  
 2579 ~~(9)(a)-(f);~~

2580 ~~(III) The proposed charter school's educational program~~  
 2581 ~~does not substantially replicate that of the applicant or one of~~  
 2582 ~~the applicant's high-performing charter schools;~~

2583 ~~(IV) The applicant has made a material misrepresentation~~  
 2584 ~~or false statement or concealed an essential or material fact~~  
 2585 ~~during the application process; or~~

2586 ~~(V) The proposed charter school's educational program and~~  
 2587 ~~financial management practices do not materially comply with the~~  
 2588 ~~requirements of this section.~~

2589  
 2590 ~~The State Board of Education shall approve or reject the~~  
 2591 ~~sponsor's denial of an application no later than 90 calendar~~  
 2592 ~~days after an appeal is filed in accordance with State Board of~~  
 2593 ~~Education rule. The State Board of Education shall remand the~~  
 2594 ~~application to the sponsor with its written decision that the~~  
 2595 ~~sponsor approve or deny the application. The sponsor shall~~  
 2596 ~~implement the decision of the State Board of Education. The~~  
 2597 ~~decision of the State Board of Education is not subject to the~~  
 2598 ~~Administrative Procedure Act, chapter 120.~~

2599 ~~(h) The terms and conditions for the operation of a~~  
 2600 ~~charter school shall be set forth by the sponsor and the~~

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2601 ~~applicant in a written contractual agreement, called a charter.~~  
2602 ~~The sponsor may not impose unreasonable rules or regulations~~  
2603 ~~that violate the intent of giving charter schools greater~~  
2604 ~~flexibility to meet educational goals. The sponsor has 30 days~~  
2605 ~~after approval of the application to provide an initial proposed~~  
2606 ~~charter contract to the charter school. The applicant and the~~  
2607 ~~sponsor have 40 days thereafter to negotiate and notice the~~  
2608 ~~charter contract for final approval by the sponsor unless both~~  
2609 ~~parties agree to an extension. The proposed charter contract~~  
2610 ~~shall be provided to the charter school at least 7 calendar days~~  
2611 ~~prior to the date of the meeting at which the charter is~~  
2612 ~~scheduled to be voted upon by the sponsor. The Department of~~  
2613 ~~Education shall provide mediation services for any dispute~~  
2614 ~~regarding this section subsequent to the approval of a charter~~  
2615 ~~application and for any dispute relating to the approved~~  
2616 ~~charter, except disputes regarding charter school application~~  
2617 ~~denials. If the Commissioner of Education determines that the~~  
2618 ~~dispute cannot be settled through mediation, the dispute may be~~  
2619 ~~appealed to an administrative law judge appointed by the~~  
2620 ~~Division of Administrative Hearings. The administrative law~~  
2621 ~~judge has final order authority to rule on issues of equitable~~  
2622 ~~treatment of the charter school as a public school, whether~~  
2623 ~~proposed provisions of the charter violate the intended~~  
2624 ~~flexibility granted charter schools by statute, or on any other~~  
2625 ~~matter regarding this section except a charter school~~

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2626 ~~application denial, a charter termination, or a charter~~  
2627 ~~nonrenewal and shall award the prevailing party reasonable~~  
2628 ~~attorney's fees and costs incurred to be paid by the losing~~  
2629 ~~party. The costs of the administrative hearing shall be paid by~~  
2630 ~~the party whom the administrative law judge rules against.~~

2631 (7) CHARTER.—The terms and conditions for the operation of  
2632 a charter school shall be set forth by the sponsor and the  
2633 applicant in a written contractual agreement, called a charter.  
2634 The sponsor and the governing board of the charter school shall  
2635 use the standard charter contract pursuant to subsection (21),  
2636 which shall incorporate the approved application and any addenda  
2637 approved with the application. Any term or condition of a  
2638 proposed charter contract that differs from the standard charter  
2639 contract adopted by rule of the State Board of Education shall  
2640 be presumed a limitation on charter school flexibility. The  
2641 sponsor may not impose unreasonable rules or regulations that  
2642 violate the intent of giving charter schools greater flexibility  
2643 to meet educational goals ~~The major issues involving the~~  
2644 ~~operation of a charter school shall be considered in advance and~~  
2645 ~~written into the charter.~~ The charter shall be signed by the  
2646 governing board of the charter school and the sponsor, following  
2647 a public hearing to ensure community input.

2648 (a) The charter shall address and criteria for approval of  
2649 the charter shall be based on:

2650 1. The school's mission, the students to be served, and

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2651 | the ages and grades to be included.

2652 |         2. The focus of the curriculum, the instructional methods  
 2653 | to be used, any distinctive instructional techniques to be  
 2654 | employed, and identification and acquisition of appropriate  
 2655 | technologies needed to improve educational and administrative  
 2656 | performance which include a means for promoting safe, ethical,  
 2657 | and appropriate uses of technology which comply with legal and  
 2658 | professional standards.

2659 |         a. The charter shall ensure that reading is a primary  
 2660 | focus of the curriculum and that resources are provided to  
 2661 | identify and provide specialized instruction for students who  
 2662 | are reading below grade level. The curriculum and instructional  
 2663 | strategies for reading must be consistent with the Next  
 2664 | Generation Sunshine State Standards and grounded in  
 2665 | scientifically based reading research.

2666 |         b. In order to provide students with access to diverse  
 2667 | instructional delivery models, to facilitate the integration of  
 2668 | technology within traditional classroom instruction, and to  
 2669 | provide students with the skills they need to compete in the  
 2670 | 21st century economy, the Legislature encourages instructional  
 2671 | methods for blended learning courses consisting of both  
 2672 | traditional classroom and online instructional techniques.  
 2673 | Charter schools may implement blended learning courses which  
 2674 | combine traditional classroom instruction and virtual  
 2675 | instruction. Students in a blended learning course must be full-

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2676 | time students of the charter school pursuant to s.  
2677 | 1011.61(1)(a)1. ~~and receive the online instruction in a~~  
2678 | ~~classroom setting at the charter school.~~ Instructional personnel  
2679 | certified pursuant to s. 1012.55 who provide virtual instruction  
2680 | for blended learning courses may be employees of the charter  
2681 | school or may be under contract to provide instructional  
2682 | services to charter school students. At a minimum, such  
2683 | instructional personnel must hold an active state or school  
2684 | district adjunct certification under s. 1012.57 for the subject  
2685 | area of the blended learning course. The funding and performance  
2686 | accountability requirements for blended learning courses are the  
2687 | same as those for traditional courses.

2688 |         3. The current incoming baseline standard of student  
2689 | academic achievement, the outcomes to be achieved, and the  
2690 | method of measurement that will be used. The criteria listed in  
2691 | this subparagraph shall include a detailed description of:

2692 |             a. How the baseline student academic achievement levels  
2693 | and prior rates of academic progress will be established.

2694 |             b. How these baseline rates will be compared to rates of  
2695 | academic progress achieved by these same students while  
2696 | attending the charter school.

2697 |             c. To the extent possible, how these rates of progress  
2698 | will be evaluated and compared with rates of progress of other  
2699 | closely comparable student populations.

2700 |

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2701 The district school board is required to provide academic  
2702 student performance data to charter schools for each of their  
2703 students coming from the district school system, as well as  
2704 rates of academic progress of comparable student populations in  
2705 the district school system.

2706 4. The methods used to identify the educational strengths  
2707 and needs of students and how well educational goals and  
2708 performance standards are met by students attending the charter  
2709 school. The methods shall provide a means for the charter school  
2710 to ensure accountability to its constituents by analyzing  
2711 student performance data and by evaluating the effectiveness and  
2712 efficiency of its major educational programs. Students in  
2713 charter schools shall, at a minimum, participate in the  
2714 statewide assessment program created under s. 1008.22.

2715 5. In secondary charter schools, a method for determining  
2716 that a student has satisfied the requirements for graduation in  
2717 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

2718 6. A method for resolving conflicts between the governing  
2719 board of the charter school and the sponsor.

2720 7. The admissions procedures and dismissal procedures,  
2721 including the school's code of student conduct. Admission or  
2722 dismissal must not be based on a student's academic performance.

2723 8. The ways by which the school will achieve a  
2724 racial/ethnic balance reflective of the community it serves or  
2725 within the racial/ethnic range of other public schools in the



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2726 | same school district.

2727 |         9. The financial and administrative management of the  
 2728 | school, including a reasonable demonstration of the professional  
 2729 | experience or competence of those individuals or organizations  
 2730 | applying to operate the charter school or those hired or  
 2731 | retained to perform such professional services and the  
 2732 | description of clearly delineated responsibilities and the  
 2733 | policies and practices needed to effectively manage the charter  
 2734 | school. A description of internal audit procedures and  
 2735 | establishment of controls to ensure that financial resources are  
 2736 | properly managed must be included. Both public sector and  
 2737 | private sector professional experience shall be equally valid in  
 2738 | such a consideration.

2739 |         10. The asset and liability projections required in the  
 2740 | application which are incorporated into the charter and shall be  
 2741 | compared with information provided in the annual report of the  
 2742 | charter school.

2743 |         11. A description of procedures that identify various  
 2744 | risks and provide for a comprehensive approach to reduce the  
 2745 | impact of losses; plans to ensure the safety and security of  
 2746 | students and staff; plans to identify, minimize, and protect  
 2747 | others from violent or disruptive student behavior; and the  
 2748 | manner in which the school will be insured, including whether or  
 2749 | not the school will be required to have liability insurance,  
 2750 | and, if so, the terms and conditions thereof and the amounts of

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2751 coverage.

2752         12. The term of the charter which shall provide for  
2753 cancellation of the charter if insufficient progress has been  
2754 made in attaining the student achievement objectives of the  
2755 charter and if it is not likely that such objectives can be  
2756 achieved before expiration of the charter. The initial term of a  
2757 charter shall be for 4 or 5 years. In order to facilitate access  
2758 to long-term financial resources for charter school  
2759 construction, charter schools that are operated by a  
2760 municipality or other public entity as provided by law are  
2761 eligible for up to a 15-year charter, subject to approval by the  
2762 district school board. A charter lab school is eligible for a  
2763 charter for a term of up to 15 years. In addition, to facilitate  
2764 access to long-term financial resources for charter school  
2765 construction, charter schools that are operated by a private,  
2766 not-for-profit, s. 501(c)(3) status corporation are eligible for  
2767 up to a 15-year charter, subject to approval by the district  
2768 school board. Such long-term charters remain subject to annual  
2769 review and may be terminated during the term of the charter, but  
2770 only according to the provisions set forth in subsection (8).

2771         13. The facilities to be used and their location. The  
2772 sponsor may not require a charter school to have a certificate  
2773 of occupancy or a temporary certificate of occupancy for such a  
2774 facility earlier than 15 calendar days before the first day of  
2775 school.

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2776           14. The qualifications to be required of the teachers and  
 2777 the potential strategies used to recruit, hire, train, and  
 2778 retain qualified staff to achieve best value.

2779           15. The governance structure of the school, including the  
 2780 status of the charter school as a public or private employer as  
 2781 required in paragraph (12) (i).

2782           16. A timetable for implementing the charter which  
 2783 addresses the implementation of each element thereof and the  
 2784 date by which the charter shall be awarded in order to meet this  
 2785 timetable.

2786           17. In the case of an existing public school that is being  
 2787 converted to charter status, alternative arrangements for  
 2788 current students who choose not to attend the charter school and  
 2789 for current teachers who choose not to teach in the charter  
 2790 school after conversion in accordance with the existing  
 2791 collective bargaining agreement or district school board rule in  
 2792 the absence of a collective bargaining agreement. However,  
 2793 alternative arrangements shall not be required for current  
 2794 teachers who choose not to teach in a charter lab school, except  
 2795 as authorized by the employment policies of the state university  
 2796 which grants the charter to the lab school.

2797           18. Full disclosure of the identity of all relatives  
 2798 employed by the charter school who are related to the charter  
 2799 school owner, president, chairperson of the governing board of  
 2800 directors, superintendent, governing board member, principal,

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2801 assistant principal, or any other person employed by the charter  
 2802 school who has equivalent decisionmaking authority. For the  
 2803 purpose of this subparagraph, the term "relative" means father,  
 2804 mother, son, daughter, brother, sister, uncle, aunt, first  
 2805 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 2806 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 2807 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 2808 stepsister, half brother, or half sister.

2809 19. Implementation of the activities authorized under s.  
 2810 1002.331 by the charter school when it satisfies the eligibility  
 2811 requirements for a high-performing charter school. A high-  
 2812 performing charter school shall notify its sponsor in writing by  
 2813 March 1 if it intends to increase enrollment or expand grade  
 2814 levels the following school year. The written notice shall  
 2815 specify the amount of the enrollment increase and the grade  
 2816 levels that will be added, as applicable.

2817 (b) The sponsor has 30 days after approval of the  
 2818 application to provide an initial proposed charter contract to  
 2819 the charter school. The applicant and the sponsor have 40 days  
 2820 thereafter to negotiate and notice the charter contract for  
 2821 final approval by the sponsor unless both parties agree to an  
 2822 extension. The proposed charter contract shall be provided to  
 2823 the charter school at least 7 calendar days before the date of  
 2824 the meeting at which the charter is scheduled to be voted upon  
 2825 by the sponsor. The Department of Education shall provide

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2826 mediation services for any dispute regarding this section  
 2827 subsequent to the approval of a charter application and for any  
 2828 dispute relating to the approved charter, except a dispute  
 2829 regarding a charter school application denial. If the  
 2830 Commissioner of Education determines that the dispute cannot be  
 2831 settled through mediation, the dispute may be appealed to an  
 2832 administrative law judge appointed by the Division of  
 2833 Administrative Hearings. The administrative law judge has final  
 2834 order authority to rule on issues of equitable treatment of the  
 2835 charter school as a public school, whether proposed provisions  
 2836 of the charter violate the intended flexibility granted charter  
 2837 schools by statute, or any other matter regarding this section,  
 2838 except a dispute regarding charter school application denial, a  
 2839 charter termination, or a charter nonrenewal. The administrative  
 2840 law judge shall award the prevailing party reasonable attorney  
 2841 fees and costs incurred during the mediation process,  
 2842 administrative proceeding, and any appeals, to be paid by the  
 2843 party whom the administrative law judge rules against.

2844 (c) ~~(b)~~1. A charter may be renewed provided that a program  
 2845 review demonstrates that the criteria in paragraph (a) have been  
 2846 successfully accomplished and that none of the grounds for  
 2847 nonrenewal established by paragraph (8) (a) has been documented.  
 2848 In order to facilitate long-term financing for charter school  
 2849 construction, charter schools operating for a minimum of 3 years  
 2850 and demonstrating exemplary academic programming and fiscal

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2851 management are eligible for a 15-year charter renewal. Such  
2852 long-term charter is subject to annual review and may be  
2853 terminated during the term of the charter.

2854 2. The 15-year charter renewal that may be granted  
2855 pursuant to subparagraph 1. shall be granted to a charter school  
2856 that has received a school grade of "A" or "B" pursuant to s.  
2857 1008.34 in 3 of the past 4 years and is not in a state of  
2858 financial emergency or deficit position as defined by this  
2859 section. Such long-term charter is subject to annual review and  
2860 may be terminated during the term of the charter pursuant to  
2861 subsection (8).

2862 (d)~~(e)~~ A charter may be modified during its initial term  
2863 or any renewal term upon the recommendation of the sponsor or  
2864 the charter school's governing board and the approval of both  
2865 parties to the agreement. Modification may include, but is not  
2866 limited to, consolidation of multiple charters into a single  
2867 charter if the charters are operated under the same governing  
2868 board and physically located on the same campus, regardless of  
2869 the renewal cycle.

2870 (e)~~(d)~~ A charter may be terminated by a charter school's  
2871 governing board through voluntary closure. The decision to cease  
2872 operations must be determined at a public meeting. The governing  
2873 board shall notify the parents and sponsor of the public meeting  
2874 in writing before the public meeting. The governing board must  
2875 notify the sponsor, parents of enrolled students, and the

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2876 | department in writing within 24 hours after the public meeting  
 2877 | of its determination. The notice shall state the charter  
 2878 | school's intent to continue operations or the reason for the  
 2879 | closure and acknowledge that the governing board agrees to  
 2880 | follow the procedures for dissolution and reversion of public  
 2881 | funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

2882 | (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

2883 | (b) At least 90 days before ~~prior to~~ renewing,  
 2884 | nonrenewing, or terminating a charter, the sponsor shall notify  
 2885 | the governing board of the school of the proposed action in  
 2886 | writing. The notice shall state in reasonable detail the grounds  
 2887 | for the proposed action and stipulate that the school's  
 2888 | governing board may, within 14 calendar days after receiving the  
 2889 | notice, request a hearing. The hearing shall be conducted at the  
 2890 | sponsor's election in accordance with one of the following  
 2891 | procedures:

2892 | 1. A direct hearing conducted by the sponsor within 60  
 2893 | days after receipt of the request for a hearing. The hearing  
 2894 | shall be conducted in accordance with ss. 120.569 and 120.57.  
 2895 | The sponsor shall decide upon nonrenewal or termination by a  
 2896 | majority vote. The sponsor's decision shall be a final order; or

2897 | 2. A hearing conducted by an administrative law judge  
 2898 | assigned by the Division of Administrative Hearings. The hearing  
 2899 | shall be conducted within 60 days after receipt of the request  
 2900 | for a hearing and in accordance with chapter 120. The

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2901 administrative law judge's recommended order shall be submitted  
2902 to the sponsor. A majority vote by the sponsor shall be required  
2903 to adopt or modify the administrative law judge's recommended  
2904 order. The sponsor shall issue a final order.

2905 (9) CHARTER SCHOOL REQUIREMENTS.—

2906 (n)1. The director and a representative of the governing  
2907 board of a charter school that has earned a grade of "D" or "F"  
2908 pursuant to s. 1008.34 shall appear before the sponsor to  
2909 present information concerning each contract component having  
2910 noted deficiencies. The director and a representative of the  
2911 governing board shall submit to the sponsor for approval a  
2912 school improvement plan to raise student performance. Upon  
2913 approval by the sponsor, the charter school shall begin  
2914 implementation of the school improvement plan. The department  
2915 shall offer technical assistance and training to the charter  
2916 school and its governing board and establish guidelines for  
2917 developing, submitting, and approving such plans.

2918 2.a. If a charter school earns three consecutive grades  
2919 below a "C" ~~of "D," two consecutive grades of "D" followed by a~~  
2920 ~~grade of "F," or two nonconsecutive grades of "F" within a 3-~~  
2921 ~~year period,~~ the charter school governing board shall choose one  
2922 of the following corrective actions:

2923 (I) Contract for educational services to be provided  
2924 directly to students, instructional personnel, and school  
2925 administrators, as prescribed in state board rule;



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2926 (II) Contract with an outside entity that has a  
 2927 demonstrated record of effectiveness to operate the school;  
 2928 (III) Reorganize the school under a new director or  
 2929 principal who is authorized to hire new staff; or  
 2930 (IV) Voluntarily close the charter school.  
 2931 b. The charter school must implement the corrective action  
 2932 in the school year following receipt of a third consecutive  
 2933 grade below a "C" ~~of "D," a grade of "F" following two~~  
 2934 ~~consecutive grades of "D," or a second nonconsecutive grade of~~  
 2935 ~~"F" within a 3-year period.~~  
 2936 c. The sponsor may annually waive a corrective action if  
 2937 it determines that the charter school is likely to improve a  
 2938 letter grade if additional time is provided to implement the  
 2939 intervention and support strategies prescribed by the school  
 2940 improvement plan. Notwithstanding this sub-subparagraph, a  
 2941 charter school that earns a second consecutive grade of "F" is  
 2942 subject to subparagraph 3. 4.  
 2943 d. A charter school is no longer required to implement a  
 2944 corrective action if it improves to a "C" or higher ~~by at least~~  
 2945 ~~one letter grade~~. However, the charter school must continue to  
 2946 implement strategies identified in the school improvement plan.  
 2947 The sponsor must annually review implementation of the school  
 2948 improvement plan to monitor the school's continued improvement  
 2949 pursuant to subparagraph 4. 5.  
 2950 e. A charter school implementing a corrective action that

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2951 does not improve to a "C" or higher ~~by at least one letter grade~~  
 2952 after 2 full school years of implementing the corrective action  
 2953 must select a different corrective action. Implementation of the  
 2954 new corrective action must begin in the school year following  
 2955 the implementation period of the existing corrective action,  
 2956 unless the sponsor determines that the charter school is likely  
 2957 to improve to a "C" or higher ~~a letter grade~~ if additional time  
 2958 is provided to implement the existing corrective action.  
 2959 Notwithstanding this sub-subparagraph, a charter school that  
 2960 earns a second consecutive grade of "F" while implementing a  
 2961 corrective action is subject to subparagraph 3. 4.

2962 ~~3. A charter school with a grade of "D" or "F" that~~  
 2963 ~~improves by at least one letter grade must continue to implement~~  
 2964 ~~the strategies identified in the school improvement plan. The~~  
 2965 ~~sponsor must annually review implementation of the school~~  
 2966 ~~improvement plan to monitor the school's continued improvement~~  
 2967 ~~pursuant to subparagraph 5.~~

2968 3.4. A charter school's charter contract is automatically  
 2969 terminated if the school earns two consecutive grades of "F"  
 2970 after all school grade appeals are final unless:

2971 a. The charter school is established to turn around the  
 2972 performance of a district public school pursuant to s.

2973 1008.33(4)(b)2. ~~1008.33(4)(b)3.~~ Such charter schools shall be  
 2974 governed by s. 1008.33;

2975 b. The charter school serves a student population the

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2976 majority of which resides in a school zone served by a district  
 2977 public school subject to s. 1008.33(4) ~~that earned a grade of~~  
 2978 ~~"F" in the year before the charter school opened~~ and the charter  
 2979 school earns at least a grade of "D" in its third year of  
 2980 operation. The exception provided under this sub-subparagraph  
 2981 does not apply to a charter school in its fourth year of  
 2982 operation and thereafter; or

2983 c. The state board grants the charter school a waiver of  
 2984 termination. The charter school must request the waiver within  
 2985 15 days after the department's official release of school  
 2986 grades. The state board may waive termination if the charter  
 2987 school demonstrates that the Learning Gains of its students on  
 2988 statewide assessments are comparable to or better than the  
 2989 Learning Gains of similarly situated students enrolled in nearby  
 2990 district public schools. The waiver is valid for 1 year and may  
 2991 only be granted once. Charter schools that have been in  
 2992 operation for more than 5 years are not eligible for a waiver  
 2993 under this sub-subparagraph.

2994  
 2995 The sponsor shall notify the charter school's governing board,  
 2996 the charter school principal, and the department in writing when  
 2997 a charter contract is terminated under this subparagraph. The  
 2998 letter of termination must meet the requirements of paragraph  
 2999 (8) (c). A charter terminated under this subparagraph must follow  
 3000 the procedures for dissolution and reversion of public funds

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3001 pursuant to paragraphs (8) (e)-(g) and (9) (o).

3002 ~~4.5.~~ The director and a representative of the governing  
 3003 board of a graded charter school that has implemented a school  
 3004 improvement plan under this paragraph shall appear before the  
 3005 sponsor at least once a year to present information regarding  
 3006 the progress of intervention and support strategies implemented  
 3007 by the school pursuant to the school improvement plan and  
 3008 corrective actions, if applicable. The sponsor shall communicate  
 3009 at the meeting, and in writing to the director, the services  
 3010 provided to the school to help the school address its  
 3011 deficiencies.

3012 ~~5.6.~~ Notwithstanding any provision of this paragraph  
 3013 except sub-subparagraphs 3.a.-c. ~~4.a.-e.~~, the sponsor may  
 3014 terminate the charter at any time pursuant to subsection (8).

3015 (10) ELIGIBLE STUDENTS.—

3016 (a) A charter school may be exempt from the requirements  
 3017 of s. 1002.31 if the school is ~~shall be~~ open to any student  
 3018 covered in an interdistrict agreement and any student ~~or~~  
 3019 residing in the school district in which the charter school is  
 3020 located. ~~+~~ However, in the case of a charter lab school, the  
 3021 charter lab school shall be open to any student eligible to  
 3022 attend the lab school as provided in s. 1002.32 or who resides  
 3023 in the school district in which the charter lab school is  
 3024 located. Any eligible student shall be allowed interdistrict  
 3025 transfer to attend a charter school when based on good cause.

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3026 Good cause shall include, but is not limited to, geographic  
 3027 proximity to a charter school in a neighboring school district.

3028 (12) EMPLOYEES OF CHARTER SCHOOLS.—

3029 (h) For the purposes of tort liability, the charter  
 3030 school, including its governing body and employees, ~~of a charter~~  
 3031 ~~school~~ shall be governed by s. 768.28. This paragraph does not  
 3032 include any for-profit entity contracted by the charter school  
 3033 or its governing body.

3034 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may  
 3035 enter into cooperative agreements to form charter school  
 3036 cooperative organizations that may provide ~~the following~~  
 3037 services to further educational, operational, and administrative  
 3038 initiatives in which the participating charter schools share  
 3039 common interests: ~~charter school planning and development,~~  
 3040 ~~direct instructional services, and contracts with charter school~~  
 3041 ~~governing boards to provide personnel administrative services,~~  
 3042 ~~payroll services, human resource management, evaluation and~~  
 3043 ~~assessment services, teacher preparation, and professional~~  
 3044 ~~development.~~

3045 (17) FUNDING.—Students enrolled in a charter school,  
 3046 regardless of the sponsorship, shall be funded as if they are in  
 3047 a basic program or a special program, the same as students  
 3048 enrolled in other public schools in the school district. Funding  
 3049 for a charter lab school shall be as provided in s. 1002.32.

3050 (b) The basis for the agreement for funding students

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3051 enrolled in a charter school shall be the sum of the school  
3052 district's operating funds from the Florida Education Finance  
3053 Program as provided in s. 1011.62 and the General Appropriations  
3054 Act, including gross state and local funds, discretionary  
3055 lottery funds, and funds from the school district's current  
3056 operating discretionary millage levy; divided by total funded  
3057 weighted full-time equivalent students in the school district;  
3058 multiplied by the weighted full-time equivalent students for the  
3059 charter school. Charter schools whose students or programs meet  
3060 the eligibility criteria in law are entitled to their  
3061 proportionate share of categorical program funds included in the  
3062 total funds available in the Florida Education Finance Program  
3063 by the Legislature, including transportation, the research-based  
3064 reading allocation, and the Florida digital classrooms  
3065 allocation. Total funding for each charter school shall be  
3066 recalculated during the year to reflect the revised calculations  
3067 under the Florida Education Finance Program by the state and the  
3068 actual weighted full-time equivalent students reported by the  
3069 charter school during the full-time equivalent student survey  
3070 periods designated by the Commissioner of Education. For charter  
3071 schools operated by a not-for-profit or municipal entity, any  
3072 unrestricted current and capital assets identified in the  
3073 charter school's annual financial audit may be used for other  
3074 charter schools operated by the not-for-profit or municipal  
3075 entity within the school district. Unrestricted current assets

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3076 | shall be used in accordance with s. 1011.62 and any unrestricted  
3077 | capital assets shall be used in accordance with s. 1013.62(2).

3078 | ~~(c) If the district school board is providing programs or~~  
3079 | ~~services to students funded by federal funds, any eligible~~  
3080 | ~~students enrolled in charter schools in the school district~~  
3081 | ~~shall be provided federal funds for the same level of service~~  
3082 | ~~provided students in the schools operated by the district school~~  
3083 | ~~board.~~ Pursuant to ~~provisions of~~ 20 U.S.C. 8061 s. 10306, all  
3084 | charter schools shall receive all federal funding for which the  
3085 | school is otherwise eligible, including Title I funding, not  
3086 | later than 5 months after the charter school first opens and  
3087 | within 5 months after any subsequent expansion of enrollment.  
3088 | Unless otherwise mutually agreed to by the charter school and  
3089 | its sponsor, and consistent with state and federal rules and  
3090 | regulations governing the use and disbursement of federal funds,  
3091 | the sponsor shall reimburse the charter school on a monthly  
3092 | basis for all invoices submitted by the charter school for  
3093 | federal funds available to the sponsor for the benefit of the  
3094 | charter school, the charter school's students, and the charter  
3095 | school's students as public school students in the school  
3096 | district. Such federal funds include, but are not limited to,  
3097 | Title I, Title II, and Individuals with Disabilities Education  
3098 | Act (IDEA) funds. To receive timely reimbursement for an  
3099 | invoice, the charter school must submit the invoice to the  
3100 | sponsor at least 30 days before the monthly date of

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3101 reimbursement set by the sponsor. In order to be reimbursed, any  
3102 expenditures made by the charter school must comply with all  
3103 applicable state rules and federal regulations, including, but  
3104 not limited to, the applicable federal Office of Management and  
3105 Budget Circulars; the federal Education Department General  
3106 Administrative Regulations; and program-specific statutes,  
3107 rules, and regulations. Such funds may not be made available to  
3108 the charter school until a plan is submitted to the sponsor for  
3109 approval of the use of the funds in accordance with applicable  
3110 federal requirements. The sponsor has 30 days to review and  
3111 approve any plan submitted pursuant to this paragraph.

3112 (18) FACILITIES.—

3113 (a) A startup charter school shall utilize facilities  
3114 which comply with the Florida Building Code pursuant to chapter  
3115 553 except for the State Requirements for Educational  
3116 Facilities. Conversion charter schools shall utilize facilities  
3117 that comply with the State Requirements for Educational  
3118 Facilities provided that the school district and the charter  
3119 school have entered into a mutual management plan for the  
3120 reasonable maintenance of such facilities. The mutual management  
3121 plan shall contain a provision by which the district school  
3122 board agrees to maintain charter school facilities in the same  
3123 manner as its other public schools within the district. Charter  
3124 schools, with the exception of conversion charter schools, are  
3125 not required to comply, but may choose to comply, with the State



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3126 Requirements for Educational Facilities of the Florida Building  
 3127 Code adopted pursuant to s. 1013.37. The local governing  
 3128 authority shall not adopt or impose any local building  
 3129 requirements or site-development restrictions, such as parking  
 3130 and site-size criteria, student enrollment, and occupant load,  
 3131 that are addressed by and more stringent than those found in the  
 3132 State Requirements for Educational Facilities of the Florida  
 3133 Building Code. A local governing authority must treat charter  
 3134 schools equitably in comparison to similar requirements,  
 3135 restrictions, and site planning processes imposed upon public  
 3136 schools that are not charter schools. The agency having  
 3137 jurisdiction for inspection of a facility and issuance of a  
 3138 certificate of occupancy or use shall be the local municipality  
 3139 or, if in an unincorporated area, the county governing  
 3140 authority. If an official or employee of the local governing  
 3141 authority refuses to comply with this paragraph, the aggrieved  
 3142 school or entity has an immediate right to bring an action in  
 3143 circuit court to enforce its rights by injunction. An aggrieved  
 3144 party that receives injunctive relief may be awarded attorney  
 3145 fees and court costs.

3146 (c) Any facility, or portion thereof, used to house a  
 3147 charter school whose charter has been approved by the sponsor  
 3148 and the governing board, pursuant to subsection (7), shall be  
 3149 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
 3150 community service, museum, performing arts, theatre, cinema,

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3151 church, Florida College System institution, college, and  
 3152 university facilities may provide space to charter schools  
 3153 within their facilities under their preexisting zoning and land  
 3154 use designations without obtaining a special exception,  
 3155 rezoning, or a land use change.

3156 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
 3157 for capital outlay funds pursuant to ss. 1011.71(2) and ~~ss.~~  
 3158 1013.62. Capital outlay funds authorized in ss. 1011.71(2) and  
 3159 1013.62 which have been shared with a charter school-in-the-  
 3160 workplace prior to July 1, 2010, are deemed to have met the  
 3161 authorized expenditure requirements for such funds.

3162 (20) SERVICES.—

3163 (a)1. A sponsor shall provide certain administrative and  
 3164 educational services to charter schools. These services shall  
 3165 include contract management services; full-time equivalent and  
 3166 data reporting services; exceptional student education  
 3167 administration services; services related to eligibility and  
 3168 reporting duties required to ensure that school lunch services  
 3169 under the National School ~~federal~~ Lunch Program, consistent with  
 3170 the needs of the charter school, are provided by the school  
 3171 district at the request of the charter school, that any funds  
 3172 due to the charter school under the National School ~~federal~~  
 3173 Lunch Program be paid to the charter school as soon as the  
 3174 charter school begins serving food under the National School  
 3175 ~~federal~~ Lunch Program, and that the charter school is paid at

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3176 | the same time and in the same manner under the National School  
 3177 | ~~federal~~ Lunch Program as other public schools serviced by the  
 3178 | sponsor or the school district; test administration services,  
 3179 | including payment of the costs of state-required or district-  
 3180 | required student assessments; processing of teacher certificate  
 3181 | data services; and information services, including equal access  
 3182 | to student information systems that are used by public schools  
 3183 | in the district in which the charter school is located. Student  
 3184 | performance data for each student in a charter school,  
 3185 | including, but not limited to, FCAT scores, standardized test  
 3186 | scores, previous public school student report cards, and student  
 3187 | performance measures, shall be provided by the sponsor to a  
 3188 | charter school in the same manner provided to other public  
 3189 | schools in the district.

3190 |       2. A sponsor may withhold an administrative fee for the  
 3191 | provision of such services which shall be a percentage of the  
 3192 | available funds defined in paragraph (17) (b) calculated based on  
 3193 | weighted full-time equivalent students. If the charter school  
 3194 | serves 75 percent or more exceptional education students as  
 3195 | defined in s. 1003.01(3), the percentage shall be calculated  
 3196 | based on unweighted full-time equivalent students. The  
 3197 | administrative fee shall be calculated as follows:

3198 |       a. Up to 5 percent for:

3199 |       (I) Enrollment of up to and including 250 students in a  
 3200 | charter school as defined in this section.

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3201 (II) Enrollment of up to and including 500 students within  
 3202 a charter school system which meets all of the following:

3203 (A) Includes conversion charter schools and nonconversion  
 3204 charter schools.

3205 (B) Has all of its schools located in the same county.

3206 (C) Has a total enrollment exceeding the total enrollment  
 3207 of at least one school district in the state.

3208 (D) Has the same governing board for all of its schools.

3209 (E) Does not contract with a for-profit service provider  
 3210 for management of school operations.

3211 (III) Enrollment of up to and including 250 students in a  
 3212 virtual charter school.

3213 b. Up to 2 percent for enrollment of up to and including  
 3214 250 students in a high-performing charter school as defined in  
 3215 s. 1002.331.

3216 3. A sponsor may not charge charter schools any additional  
 3217 fees or surcharges for administrative and educational services  
 3218 in addition to the maximum percentage of administrative fees  
 3219 withheld pursuant to this paragraph ~~A total administrative fee~~  
 3220 ~~for the provision of such services shall be calculated based~~  
 3221 ~~upon up to 5 percent of the available funds defined in paragraph~~  
 3222 ~~(17) (b) for all students, except that when 75 percent or more of~~  
 3223 ~~the students enrolled in the charter school are exceptional~~  
 3224 ~~students as defined in s. 1003.01(3), the 5 percent of those~~  
 3225 ~~available funds shall be calculated based on unweighted full-~~

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3226 ~~time equivalent students. However, a sponsor may only withhold~~  
3227 ~~up to a 5 percent administrative fee for enrollment for up to~~  
3228 ~~and including 250 students. For charter schools with a~~  
3229 ~~population of 251 or more students, the difference between the~~  
3230 ~~total administrative fee calculation and the amount of the~~  
3231 ~~administrative fee withheld may only be used for capital outlay~~  
3232 ~~purposes specified in s. 1013.62(3).~~

3233 ~~3. For high-performing charter schools, as defined in s.~~  
3234 ~~1002.331, a sponsor may withhold a total administrative fee of~~  
3235 ~~up to 2 percent for enrollment up to and including 250 students~~  
3236 ~~per school.~~

3237 ~~4. In addition, a sponsor may withhold only up to a 5-~~  
3238 ~~percent administrative fee for enrollment for up to and~~  
3239 ~~including 500 students within a system of charter schools which~~  
3240 ~~meets all of the following:~~

3241 ~~a. Includes both conversion charter schools and~~  
3242 ~~nonconversion charter schools;~~

3243 ~~b. Has all schools located in the same county;~~

3244 ~~c. Has a total enrollment exceeding the total enrollment~~  
3245 ~~of at least one school district in the state;~~

3246 ~~d. Has the same governing board; and~~

3247 ~~e. Does not contract with a for-profit service provider~~  
3248 ~~for management of school operations.~~

3249 ~~5. The difference between the total administrative fee~~  
3250 ~~calculation and the amount of the administrative fee withheld~~

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3251 ~~pursuant to subparagraph 4. may be used for instructional and~~  
 3252 ~~administrative purposes as well as for capital outlay purposes~~  
 3253 ~~specified in s. 1013.62(3).~~

3254 ~~6. For a high-performing charter school system that also~~  
 3255 ~~meets the requirements in subparagraph 4., a sponsor may~~  
 3256 ~~withhold a 2-percent administrative fee for enrollments up to~~  
 3257 ~~and including 500 students per system.~~

3258 ~~7. Sponsors shall not charge charter schools any~~  
 3259 ~~additional fees or surcharges for administrative and educational~~  
 3260 ~~services in addition to the maximum 5-percent administrative fee~~  
 3261 ~~withheld pursuant to this paragraph.~~

3262 ~~8. The sponsor of a virtual charter school may withhold a~~  
 3263 ~~fee of up to 5 percent. The funds shall be used to cover the~~  
 3264 ~~cost of services provided under subparagraph 1. and~~  
 3265 ~~implementation of the school district's digital classrooms plan~~  
 3266 ~~pursuant to s. 1011.62.~~

3267 (b) If goods and services are made available to the  
 3268 charter school through the contract with the school district,  
 3269 they shall be provided to the charter school at a rate no  
 3270 greater than the district's actual cost unless mutually agreed  
 3271 upon by the charter school and the sponsor in a contract  
 3272 negotiated separately from the charter. When mediation has  
 3273 failed to resolve disputes over contracted services or  
 3274 contractual matters not included in the charter, an appeal may  
 3275 be made for a dispute resolution hearing before the Charter

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3276 School Appeal Commission. To maximize the use of state funds,  
 3277 school districts shall allow charter schools to participate in  
 3278 the sponsor's bulk purchasing program if applicable.

3279 (c) Transportation of charter school students shall be  
 3280 provided by the charter school consistent with the requirements  
 3281 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
 3282 body of the charter school may provide transportation through an  
 3283 agreement or contract with the district school board, a private  
 3284 provider, or parents. The charter school and the sponsor shall  
 3285 cooperate in making arrangements that ensure that transportation  
 3286 is not a barrier to equal access for all students residing  
 3287 within a reasonable distance of the charter school as determined  
 3288 in its charter.

3289 (d) Each charter school shall annually complete and submit  
 3290 a survey, provided in a format specified by the Department of  
 3291 Education, to rate the timeliness and quality of services  
 3292 provided by the district in accordance with this section. The  
 3293 department shall compile the results, by district, and include  
 3294 the results in the report required under sub-sub-subparagraph  
 3295 (5) (b) 1.k. (III) .

3296 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

3297 (a) The Department of Education shall provide information  
 3298 to the public, directly and through sponsors, on how to form and  
 3299 operate a charter school and how to enroll in a charter school  
 3300 once it is created. This information shall include the standard

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3301 ~~a model~~ application form, standard charter contract, standard  
3302 evaluation instrument, and standard charter renewal contract,  
3303 which shall include the information specified in subsection (7)  
3304 and shall be developed by consulting and negotiating with both  
3305 school districts and charter schools before implementation. The  
3306 charter and charter renewal contracts shall be used by charter  
3307 school sponsors.

3308 (b)1. The Department of Education shall report to each  
3309 charter school receiving a school grade pursuant to s. 1008.34  
3310 or a school improvement rating pursuant to s. 1008.341 the  
3311 school's student assessment data.

3312 2. The charter school shall report the information in  
3313 subparagraph 1. to each parent of a student at the charter  
3314 school, the parent of a child on a waiting list for the charter  
3315 school, the district in which the charter school is located, and  
3316 the governing board of the charter school. This paragraph does  
3317 not abrogate the provisions of s. 1002.22, relating to student  
3318 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
3319 Educational Rights and Privacy Act.

3320 ~~3.a. Pursuant to this paragraph, the Department of~~  
3321 ~~Education shall compare the charter school student performance~~  
3322 ~~data for each charter school in subparagraph 1. with the student~~  
3323 ~~performance data in traditional public schools in the district~~  
3324 ~~in which the charter school is located and other charter schools~~  
3325 ~~in the state. For alternative charter schools, the department~~



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3326 ~~shall compare the student performance data described in this~~  
 3327 ~~paragraph with all alternative schools in the state. The~~  
 3328 ~~comparative data shall be provided by the following grade~~  
 3329 ~~groupings:~~

- 3330 ~~(I) Grades 3 through 5;~~
- 3331 ~~(II) Grades 6 through 8; and~~
- 3332 ~~(III) Grades 9 through 11.~~

3333 ~~b. Each charter school shall provide the information~~  
 3334 ~~specified in this paragraph on its Internet website and also~~  
 3335 ~~provide notice to the public at large in a manner provided by~~  
 3336 ~~the rules of the State Board of Education. The State Board of~~  
 3337 ~~Education shall adopt rules to administer the notice~~  
 3338 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~  
 3339 ~~120.54. The website shall include, through links or actual~~  
 3340 ~~content, other information related to school performance.~~

3341 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 3342 SCHOOL SYSTEMS.—

3343 (a) A charter school system's governing board shall be  
 3344 designated a local educational agency for the purpose of  
 3345 receiving federal funds, the same as though the charter school  
 3346 system were a school district, if the governing board of the  
 3347 charter school system has adopted and filed a resolution with  
 3348 its sponsoring district school board and the Department of  
 3349 Education in which the governing board of the charter school  
 3350 system accepts the full responsibility for all local education

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3351 agency requirements and the charter school system meets all of  
 3352 the following:

3353 ~~(a) Includes both conversion charter schools and~~  
 3354 ~~nonconversion charter schools;~~

3355 1.(b) Has all schools located in the same county;

3356 2.(e) Has a total enrollment exceeding the total  
 3357 enrollment of at least one school district in the state; and

3358 3.(d) Has the same governing board. ~~;~~ and

3359 (b) A charter school system's governing board may be  
 3360 designated a local educational agency for the purpose of  
 3361 receiving federal funds for all schools within a school district  
 3362 that are established pursuant to s. 1008.33 and are under the  
 3363 jurisdiction of the governing board. The governing board must  
 3364 adopt and file a resolution with its sponsoring district school  
 3365 board and the Department of Education and accept full  
 3366 responsibility for all local educational agency requirements.

3367 ~~(c) Does not contract with a for-profit service provider~~  
 3368 ~~for management of school operations.~~

3369  
 3370 Such designation does not apply to other provisions unless  
 3371 specifically provided in law.

3372 (28) RULEMAKING.—The Department of Education, after  
 3373 consultation with school districts and charter school directors,  
 3374 shall recommend that the State Board of Education adopt rules to  
 3375 implement specific subsections of this section. Such rules shall

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3376 require minimum paperwork and shall not limit charter school  
 3377 flexibility authorized by statute. The State Board of Education  
 3378 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
 3379 implement a standard charter model application form, standard  
 3380 application form for the replication of charter schools in a  
 3381 high-performing charter school system, standard evaluation  
 3382 instrument, and standard charter and charter renewal contracts  
 3383 in accordance with this section.

3384 Section 22. Paragraph (b) of subsection (2) of section  
 3385 1002.3305, Florida Statutes, is amended to read:

3386 1002.3305 College-preparatory Boarding Academy Pilot  
 3387 Program for at-risk students.—

3388 (2) DEFINITIONS.—As used in this section, the term:

3389 (b) "Eligible student" means a student who is a resident  
 3390 of the state and entitled to attend school in a participating  
 3391 school district, is at risk of academic failure, is currently  
 3392 enrolled in grades 5 through 12, if it is determined by the  
 3393 operator that a seat is available ~~grade 5 or 6~~, is from a family  
 3394 whose gross income is at or below 200 percent of the federal  
 3395 poverty guidelines, is eligible for benefits or services funded  
 3396 by Temporary Assistance for Needy Families (TANF) or Title IV-E  
 3397 of the Social Security Act, and meets at least one of the  
 3398 following additional risk factors:

3399 1. The child is in foster care or has been declared an  
 3400 adjudicated dependent by a court.

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3401           2. The student's head of household is not the student's  
3402 custodial parent.

3403           3. The student resides in a household that receives a  
3404 housing voucher or has been determined eligible for public  
3405 housing assistance.

3406           4. A member of the student's immediate family has been  
3407 incarcerated.

3408           5. The child is covered under the terms of the state's  
3409 Child Welfare Waiver Demonstration project with the United  
3410 States Department of Health and Human Services.

3411           Section 23. Subsection (3) of section 1002.331, Florida  
3412 Statutes, is amended to read:

3413           1002.331 High-performing charter schools.-

3414           (3) (a) 1. A high-performing charter school may submit an  
3415 application pursuant to s. 1002.33(6) in any school district in  
3416 the state to establish and operate a new charter school that  
3417 will substantially replicate its educational program. An  
3418 application submitted by a high-performing charter school must  
3419 state that the application is being submitted pursuant to this  
3420 paragraph and must include the verification letter provided by  
3421 the Commissioner of Education pursuant to subsection (4).

3422           2. If the sponsor fails to act on the application within  
3423 90 ~~60~~ days after receipt, the application is deemed approved and  
3424 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~  
3425 ~~sponsor denies the application, the high-performing charter~~

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3426 ~~school may appeal pursuant to s. 1002.33(6).~~

3427 (b) A high-performing charter school may not establish  
 3428 more than one charter school within the state under paragraph  
 3429 (a) in any year. A subsequent application to establish a charter  
 3430 school under paragraph (a) may not be submitted unless each  
 3431 charter school established in this manner achieves high-  
 3432 performing charter school status. However, a high-performing  
 3433 charter school may establish more than one charter school within  
 3434 the state under paragraph (a) in any year if it operates in the  
 3435 area of a persistently low-performing school and serves students  
 3436 from that school.

3437 Section 24. Paragraph (b) of subsection (1) and paragraph  
 3438 (b) of subsection (2) of section 1002.332, Florida Statutes are  
 3439 amended, and paragraph (c) is added to subsection (2), to read:

3440 1002.332 High-performing charter school system.—

3441 (1) For purposes of this section, the term:

3442 (b) "High-performing charter school system" means an  
 3443 entity that:

3444 1. Operated at least three high-performing charter schools  
 3445 in the state during each of the previous 3 school years;

3446 2. Operated a system of charter schools in which at least  
 3447 50 percent of the charter schools were high-performing charter  
 3448 schools pursuant to s. 1002.331 and no charter school earned a  
 3449 school grade of "D" or "F" pursuant to s. 1008.34 in any of the  
 3450 previous 3 school years regardless of whether the entity

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3451 | currently operates the charter school, except that:

3452 |       a. If the entity assumed operation of a public school  
 3453 | pursuant to s. 1008.33(4)(b)2. ~~1008.33(4)(b)3.~~ with a school  
 3454 | grade of "F," that school's grade may not be considered in  
 3455 | determining high-performing charter school system status for a  
 3456 | period of 3 years.

3457 |       b. If the entity established a new charter school that  
 3458 | served a student population the majority of which resided in a  
 3459 | school zone served by a public school that earned a grade of "F"  
 3460 | or three consecutive grades of "D" pursuant to s. 1008.34, that  
 3461 | charter school's grade may not be considered in determining  
 3462 | high-performing charter school system status if it attained and  
 3463 | maintained a school grade that was higher than that of the  
 3464 | public school serving that school zone within 3 years after  
 3465 | establishment; and

3466 |       3. Did not receive a financial audit that revealed one or  
 3467 | more of the financial emergency conditions set forth in s.  
 3468 | 218.503(1) for any charter school assumed or established by the  
 3469 | entity in the most recent 3 fiscal years for which such audits  
 3470 | are available.

3471 |       (2)

3472 |       (b) A high-performing charter school system may replicate  
 3473 | its high-performing charter schools in any school district in  
 3474 | the state. The applicant must submit an application using the  
 3475 | standard application form prepared by the Department of

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3476 Education which:

3477 1. Contains goals and objectives for improving student  
 3478 learning and a process for measuring student improvement. These  
 3479 goals and objectives must indicate how much academic improvement  
 3480 students are expected to demonstrate each year, how success will  
 3481 be evaluated, and the specific results to be attained through  
 3482 instruction.

3483 2. Contains an annual financial plan for each year  
 3484 requested by the charter for operation of the school for up to 5  
 3485 years. This plan must contain anticipated fund balances based on  
 3486 revenue projections, a spending plan based on projected revenue  
 3487 and expenses, and a description of controls that will safeguard  
 3488 finances and projected enrollment trends.

3489 3. Discloses the name of each applicant, governing board  
 3490 member, and all proposed education services providers; the name  
 3491 and sponsor of any charter school operated by each applicant,  
 3492 each governing board member, and each proposed education  
 3493 services provider that has closed and the reasons for the  
 3494 closure; and the academic and financial history of such charter  
 3495 schools, which the sponsor shall consider when deciding whether  
 3496 to approve or deny the application.

3497 (c) An application submitted by a high-performing charter  
 3498 school system must state that the application is being submitted  
 3499 pursuant to this section and must include the verification  
 3500 letter provided by the Commissioner of Education pursuant to

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3501 this subsection. If the sponsor fails to act on the application  
 3502 within 90 days after receipt, the application is deemed approved  
 3503 and the procedure in s. 1002.33(7) applies pursuant to s.  
 3504 1002.331(3).

3505 Section 25. Subsections (1) and (2) of section 1003.498,  
 3506 Florida Statutes, are amended to read:

3507 1003.498 School district virtual course offerings.—

3508 (1) School districts may deliver courses in the  
 3509 traditional school setting by personnel certified pursuant to s.  
 3510 1012.55 who provide direct instruction through virtual  
 3511 instruction or through blended learning courses consisting of  
 3512 both traditional classroom and online instructional techniques.  
 3513 Students in a blended learning course must be full-time students  
 3514 of the school pursuant to s. 1011.61(1)(a)1. ~~and receive the~~  
 3515 ~~online instruction in a classroom setting at the school.~~ The  
 3516 funding, performance, and accountability requirements for  
 3517 blended learning courses are the same as those for traditional  
 3518 courses. To facilitate the delivery and coding of blended  
 3519 learning courses, the department shall provide identifiers for  
 3520 existing courses to designate that they are being used for  
 3521 blended learning courses for the purpose of ensuring the  
 3522 efficient reporting of such courses. A district may report full-  
 3523 time equivalent student membership for credit earned by a  
 3524 student who is enrolled in a virtual education course provided  
 3525 by the district which is completed after the end of the regular



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3526 school year if the FTE is reported no later than the deadline  
 3527 for amending the final student membership report for that year.

3528 (2) School districts may offer virtual courses for  
 3529 students enrolled in the school district. These courses must be  
 3530 identified in the course code directory. Students ~~who meet the~~  
 3531 ~~eligibility requirements of s. 1002.455~~ may participate in these  
 3532 virtual course offerings pursuant to s. 1002.455.

3533 (a) Any ~~eligible~~ student who is enrolled in a school  
 3534 district may register and enroll in an online course offered by  
 3535 his or her school district.

3536 (b)1. Any ~~eligible~~ student who is enrolled in a school  
 3537 district may register and enroll in an online course offered by  
 3538 any other school district in the state. The school district in  
 3539 which the student completes the course shall report the  
 3540 student's completion of that course for funding pursuant to s.  
 3541 1011.61(1)(c)1.b.(VI), and the home school district shall not  
 3542 report the student for funding for that course.

3543 2. The full-time equivalent student membership calculated  
 3544 under this subsection is subject to the requirements in s.  
 3545 1011.61(4). The Department of Education shall establish  
 3546 procedures to enable interdistrict coordination for the delivery  
 3547 and funding of this online option.

3548 Section 26. Subsection (5), paragraph (j) of subsection  
 3549 (6), and paragraph (a) of subsection (8) of section 1007.35,  
 3550 Florida Statutes, are amended to read:

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3551 1007.35 Florida Partnership for Minority and  
3552 Underrepresented Student Achievement.—

3553 (5) Each public high school, including, but not limited  
3554 to, schools and alternative sites and centers of the Department  
3555 of Juvenile Justice, shall provide for the administration of the  
3556 Preliminary SAT/National Merit Scholarship Qualifying Test  
3557 (PSAT/NMSQT), or the preliminary ACT ~~Aspire~~ to all enrolled 10th  
3558 grade students. However, a written notice shall be provided to  
3559 each parent which must ~~that shall~~ include the opportunity to  
3560 exempt his or her child from taking the PSAT/NMSQT or the  
3561 preliminary ACT ~~Aspire~~.

3562 (a) Test results will provide each high school with a  
3563 database of student assessment data which certified school  
3564 counselors will use to identify students who are prepared or who  
3565 need additional work to be prepared to enroll and be successful  
3566 in AP courses or other advanced high school courses.

3567 (b) Funding for the PSAT/NMSQT or the preliminary ACT  
3568 ~~Aspire~~ for all 10th grade students shall be contingent upon  
3569 annual funding in the General Appropriations Act.

3570 (c) Public school districts must choose either the  
3571 PSAT/NMSQT or the preliminary ACT ~~Aspire~~ for districtwide  
3572 administration.

3573 (6) The partnership shall:

3574 (j) Provide information to students, parents, teachers,  
3575 counselors, administrators, districts, Florida College System

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3576 institutions, and state universities regarding PSAT/NMSQT or the  
 3577 preliminary ACT ~~Aspire~~ administration, including, but not  
 3578 limited to:

- 3579 1. Test administration dates and times.
- 3580 2. That participation in the PSAT/NMSQT or the preliminary  
 3581 ACT ~~Aspire~~ is open to all 10th grade students.
- 3582 3. The value of such tests in providing diagnostic  
 3583 feedback on student skills.
- 3584 4. The value of student scores in predicting the  
 3585 probability of success on AP or other advanced course  
 3586 examinations.

3587 (8) (a) By September 30 of each year, the partnership shall  
 3588 submit to the department a report that contains an evaluation of  
 3589 the effectiveness of the delivered services and activities.  
 3590 Activities and services must be evaluated on their effectiveness  
 3591 at raising student achievement and increasing the number of AP  
 3592 or other advanced course examinations in low-performing middle  
 3593 and high schools. Other indicators that must be addressed in the  
 3594 evaluation report include the number of middle and high school  
 3595 teachers trained; the effectiveness of the training; measures of  
 3596 postsecondary readiness of the students affected by the program;  
 3597 levels of participation in 10th grade PSAT/NMSQT or the  
 3598 preliminary ACT ~~Aspire~~ testing; and measures of student, parent,  
 3599 and teacher awareness of and satisfaction with the services of  
 3600 the partnership.

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3601 Section 27. Paragraph (d) of subsection (3) of section  
 3602 1008.34, Florida Statutes, is amended to read:

3603 1008.34 School grading system; school report cards;  
 3604 district grade.—

3605 (3) DESIGNATION OF SCHOOL GRADES.—

3606 (d) The data performance of students attending alternative  
 3607 schools, ~~and~~ students designated as hospital or homebound, and  
 3608 students who transfer to a private school shall be factored into  
 3609 a school grade as follows:

3610 1. The student performance data for eligible students  
 3611 attending alternative schools that provide dropout prevention  
 3612 and academic intervention services pursuant to s. 1003.53 shall  
 3613 be included in the calculation of the home school's grade. The  
 3614 term "eligible students" in this subparagraph does not include  
 3615 students attending an alternative school who are subject to  
 3616 district school board policies for expulsion for repeated or  
 3617 serious offenses, who are in dropout retrieval programs serving  
 3618 students who have officially been designated as dropouts, or who  
 3619 are in programs operated or contracted by the Department of  
 3620 Juvenile Justice. As used in this subparagraph, the term "home  
 3621 school" means the school to which the student would be assigned  
 3622 if the student were not assigned to an alternative school. If an  
 3623 alternative school chooses to be graded under this section,  
 3624 student performance data for eligible students identified in  
 3625 this subparagraph shall not be included in the home school's

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3626 grade but shall be included only in the calculation of the  
 3627 alternative school's grade. A school district that fails to  
 3628 assign statewide, standardized end-of-course assessment scores  
 3629 of each of its students to his or her home school or to the  
 3630 alternative school that receives a grade shall forfeit Florida  
 3631 School Recognition Program funds for one fiscal year. School  
 3632 districts must require collaboration between the home school and  
 3633 the alternative school in order to promote student success. This  
 3634 collaboration must include an annual discussion between the  
 3635 principal of the alternative school and the principal of each  
 3636 student's home school concerning the most appropriate school  
 3637 assignment of the student.

3638         2. Student performance data for students designated as  
 3639 hospital or homebound shall be assigned to their home school for  
 3640 the purposes of school grades. As used in this subparagraph, the  
 3641 term "home school" means the school to which a student would be  
 3642 assigned if the student were not assigned to a hospital or  
 3643 homebound program.

3644         3. A high school must include a student in its graduation  
 3645 rate if the student transfers from the high school to a private  
 3646 school with which the school district has a contractual  
 3647 relationship.

3648         Section 28. Subsection (3) of section 1008.341, Florida  
 3649 Statutes, is amended to read:

3650         1008.341 School improvement rating for alternative

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3651 | schools.—

3652 |       (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student  
 3653 | Learning Gains based on statewide, standardized assessments,  
 3654 | including retakes, administered under s. 1008.22 for all  
 3655 | eligible students who were assigned to and enrolled in the  
 3656 | school during the October or February FTE count and who have  
 3657 | assessment scores, concordant scores, or comparable scores for  
 3658 | the preceding school year shall be used in determining an  
 3659 | alternative school's school improvement rating. An alternative  
 3660 | school's rating shall be based on the following components:

3661 |       (a) The percentage of eligible students who make Learning  
 3662 | Gains in English Language Arts as measured by statewide,  
 3663 | standardized assessments under s. 1008.22(3).

3664 |       (b) The percentage of eligible students who make Learning  
 3665 | Gains in mathematics as measured by statewide, standardized  
 3666 | assessments under s. 1008.22(3).

3667 |  
 3668 | Student performance results of students who are subject to  
 3669 | district school board policies for expulsion for repeated or  
 3670 | serious offenses, who are in dropout retrieval programs serving  
 3671 | students who have officially been designated as dropouts, or who  
 3672 | are in programs operated or contracted by the Department of  
 3673 | Juvenile Justice may not be included in an alternative school's  
 3674 | school improvement rating.

3675 |       Section 29. Subsection (2) of section 1011.71, Florida

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3676 Statutes, is amended to read:

3677 1011.71 District school tax.—

3678 (2) In addition to the maximum millage levy as provided in  
 3679 subsection (1), each school board may levy not more than 1.5  
 3680 mills against the taxable value for school purposes for ~~district~~  
 3681 ~~schools, including~~ charter schools pursuant to s. 1013.62(3) and  
 3682 for district schools at the discretion of the school board, to  
 3683 fund:

3684 (a) New construction and remodeling projects, as set forth  
 3685 in s. 1013.64(3)(d) and (6)(b) ~~s. 1013.64(3)(b) and (6)(b)~~ and  
 3686 included in the district's educational plant survey pursuant to  
 3687 s. 1013.31, without regard to prioritization, sites and site  
 3688 improvement or expansion to new sites, existing sites, auxiliary  
 3689 facilities, athletic facilities, or ancillary facilities.

3690 (b) Maintenance, renovation, and repair of existing school  
 3691 plants or of leased facilities to correct deficiencies pursuant  
 3692 to s. 1013.15(2).

3693 (c) The purchase, lease-purchase, or lease of school  
 3694 buses.

3695 (d) The purchase, lease-purchase, or lease of new and  
 3696 replacement equipment; computer and device hardware and  
 3697 operating system software, ~~including electronic hardware and~~  
 3698 ~~other hardware devices~~ necessary for gaining access to or  
 3699 enhancing the use of electronic and digital instructional  
 3700 content and resources ~~or to facilitate the access to and the use~~

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3701 ~~of a school district's digital classrooms plan pursuant to s.~~  
 3702 ~~1011.62, excluding software other than the operating system~~  
 3703 ~~necessary to operate the hardware or device;~~ and enterprise  
 3704 resource software applications that are classified as capital  
 3705 assets in accordance with definitions of the Governmental  
 3706 Accounting Standards Board, have a useful life of at least 5  
 3707 years, and are used to support districtwide administration or  
 3708 state-mandated reporting requirements. Enterprise resource  
 3709 software may be acquired by annual license fees, maintenance  
 3710 fees, or lease agreements.

3711 (e) Payments for educational facilities and sites due  
 3712 under a lease-purchase agreement entered into by a district  
 3713 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
 3714 exceeding, in the aggregate, an amount equal to three-fourths of  
 3715 the proceeds from the millage levied by a district school board  
 3716 pursuant to this subsection. The three-fourths limit is waived  
 3717 for lease-purchase agreements entered into before June 30, 2009,  
 3718 by a district school board pursuant to this paragraph.

3719 (f) Payment of loans approved pursuant to ss. 1011.14 and  
 3720 1011.15.

3721 (g) Payment of costs directly related to complying with  
 3722 state and federal environmental statutes, rules, and regulations  
 3723 governing school facilities.

3724 (h) Payment of costs of leasing relocatable educational  
 3725 facilities, of renting or leasing educational facilities and



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3726 sites pursuant to s. 1013.15(2), or of renting or leasing  
 3727 buildings or space within existing buildings pursuant to s.  
 3728 1013.15(4).

3729 (i) Payment of the cost of school buses when a school  
 3730 district contracts with a private entity to provide student  
 3731 transportation services if the district meets the requirements  
 3732 of this paragraph.

3733 1. The district's contract must require that the private  
 3734 entity purchase, lease-purchase, or lease, and operate and  
 3735 maintain, one or more school buses of a specific type and size  
 3736 that meet the requirements of s. 1006.25.

3737 2. Each such school bus must be used for the daily  
 3738 transportation of public school students in the manner required  
 3739 by the school district.

3740 3. Annual payment for each such school bus may not exceed  
 3741 10 percent of the purchase price of the state pool bid.

3742 4. The proposed expenditure of the funds for this purpose  
 3743 must have been included in the district school board's notice of  
 3744 proposed tax for school capital outlay as provided in s.  
 3745 200.065(10).

3746 (j) Payment of the cost of the opening day collection for  
 3747 the library media center of a new school.

3748 (k) Payout of sick leave and annual leave accrued as of  
 3749 June 30, 2017, by individuals who are no longer employed by a  
 3750 school district that transfers to a charter school operator all

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3751 day-to-day classroom instruction responsibility for all full-  
 3752 time equivalent students funded under s. 1011.62. This paragraph  
 3753 expires July 1, 2018.

3754 Section 30. Subsection (2) of section 1013.54, Florida  
 3755 Statutes, is amended to read:

3756 1013.54 Cooperative development and use of satellite  
 3757 facilities by private industry and district school boards.—

3758 (2) The commissioner shall appoint a review committee to  
 3759 make recommendations and prioritize requests. If the project is  
 3760 approved by the commissioner, the commissioner shall include up  
 3761 to one-fourth of the cost of the project in the legislative  
 3762 capital outlay budget request, as provided in s. 1013.60, for  
 3763 the funding of capital outlay projects involving both  
 3764 educational and private industry. The commissioner shall  
 3765 prioritize any such projects for each fiscal year and,  
 3766 notwithstanding the provisions of s. 1013.64(3)(e) ~~s.~~  
 3767 ~~1013.64(3)(e)~~, limit the recommended state funding amount not to  
 3768 exceed 5 percent off the top of the total funds recommended  
 3769 pursuant to s. 1013.64(2) and (3).

3770 Section 31. Section 1013.62, Florida Statutes, is amended  
 3771 to read:

3772 1013.62 Charter schools capital outlay funding.—

3773 (1) Charter school capital outlay funding shall consist of  
 3774 revenue resulting from the discretionary millage authorized in  
 3775 s. 1011.71(2) and state funds when such funds are appropriated

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3776 | in the General Appropriations Act.

3777 |       ~~(1) In each year in which funds are appropriated for~~  
 3778 | ~~charter school capital outlay purposes, the Commissioner of~~  
 3779 | ~~Education shall allocate the funds among eligible charter~~  
 3780 | ~~schools as specified in this section.~~

3781 |       (a) To be eligible to receive capital outlay funds ~~for a~~  
 3782 | ~~funding allocation~~, a charter school must:

3783 |           1.a. Have been in operation for 2 or more years;

3784 |           b. Be governed by a governing board established in the  
 3785 | state for 2 ~~3~~ or more years which operates both charter schools  
 3786 | and conversion charter schools within the state;

3787 |           c. Be an expanded feeder chain of a charter school within  
 3788 | the same school district that is currently receiving charter  
 3789 | school capital outlay funds;

3790 |           d. Have been accredited by a regional accrediting  
 3791 | association as defined by State Board of Education rule ~~the~~  
 3792 | ~~Commission on Schools of the Southern Association of Colleges~~  
 3793 | ~~and Schools; or~~

3794 |           e. Serve students in facilities that are provided by a  
 3795 | business partner for a charter school-in-the-workplace pursuant  
 3796 | to s. 1002.33(15) (b) .

3797 |       2. Have an annual audit that does not reveal any of the  
 3798 | financial emergency conditions provided in s. 218.503(1) for the  
 3799 | most recent fiscal year for which such audit results are  
 3800 | available.

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3801           3. Have satisfactory student achievement based on state  
3802 accountability standards applicable to the charter school.

3803           4. Have received final approval from its sponsor pursuant  
3804 to s. 1002.33 for operation during that fiscal year.

3805           5. Serve students in facilities that are not provided by  
3806 the charter school's sponsor.

3807           (b) A charter school is not eligible to receive capital  
3808 outlay funds ~~for a funding allocation~~ if it was created by the  
3809 conversion of a public school and operates in facilities  
3810 provided by the charter school's sponsor for a nominal fee, or  
3811 at no charge, or if it is directly or indirectly operated by the  
3812 school district.

3813           ~~(2)(e)~~ The department shall use the following calculation  
3814 methodology to allocate state funds appropriated in the General  
3815 Appropriations Act to eligible charter schools ~~The funding~~  
3816 ~~allocation for eligible charter schools shall be calculated as~~  
3817 ~~follows:~~

3818           ~~(a)1.~~ Eligible charter schools shall be grouped into  
3819 categories based on their student populations according to the  
3820 following criteria:

3821           ~~1.a.~~ Seventy-five percent or greater who are eligible for  
3822 free or reduced-price school meals under the National School  
3823 Lunch Program or, for schools operating programs under the  
3824 Community Eligibility Provision of the Healthy, Hunger-Free Kids  
3825 Act of 2010, an equivalent percentage of the student population

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3826 eligible for free and reduced-price meals as determined by  
3827 applying the multiplier authorized under the National School  
3828 Lunch Act, 42 U.S.C. s. 1759a(a)(1)(F)(vii), to the number of  
3829 students reported for direct certification ~~lunch~~.

3830 2.b. Twenty-five percent or greater with disabilities as  
3831 defined in state board rule and consistent with the requirements  
3832 of the Individuals with Disabilities Education Act.

3833 (b)2. If an eligible charter school does not meet the  
3834 criteria for either category under paragraph (a) subparagraph  
3835 1., its FTE shall be provided as the base amount of funding and  
3836 shall be assigned a weight of 1.0. An eligible charter school  
3837 that meets the criteria under subparagraph (a)1. or subparagraph  
3838 (a)2. sub-subparagraph 1.a. or sub-subparagraph 1.b. shall be  
3839 provided an additional 25 percent above the base funding amount,  
3840 and the total FTE shall be multiplied by a weight of 1.25. An  
3841 eligible charter school that meets the criteria under both  
3842 subparagraphs (a)1. and (a)2. sub-subparagraphs 1.a. and b.  
3843 shall be provided an additional 50 percent above the base  
3844 funding amount, and the FTE for that school shall be multiplied  
3845 by a weight of 1.5.

3846 (c)3. The state appropriation for charter school capital  
3847 outlay shall be divided by the total weighted FTE for all  
3848 eligible charter schools to determine the base charter school  
3849 per weighted FTE allocation amount. The per weighted FTE  
3850 allocation amount shall be multiplied by the weighted FTE to

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3851 determine each charter school's capital outlay allocation.  
 3852 ~~(d)(2)(a)~~ The department shall calculate the eligible  
 3853 charter school funding allocations. Funds shall be allocated  
 3854 using full-time equivalent membership from the second and third  
 3855 enrollment surveys and free and reduced-price school lunch data.  
 3856 The department shall recalculate the allocations periodically  
 3857 based on the receipt of revised information, on a schedule  
 3858 established by the Commissioner of Education.  
 3859 ~~(e)(b)~~ The department shall distribute capital outlay  
 3860 funds monthly, beginning in the first quarter of the fiscal  
 3861 year, based on one-twelfth of the amount the department  
 3862 reasonably expects the charter school to receive during that  
 3863 fiscal year. The commissioner shall adjust subsequent  
 3864 distributions as necessary to reflect each charter school's  
 3865 recalculated allocation.  
 3866 (3) If the school board levies the discretionary millage  
 3867 authorized in s. 1011.71(2), the department shall use the  
 3868 following calculation methodology to determine the amount of  
 3869 revenue that a school district must distribute to each eligible  
 3870 charter school:  
 3871 (a) Reduce the total discretionary millage revenue by the  
 3872 school district's annual debt service obligation incurred as of  
 3873 March 1, 2017, and any amount of participation requirement  
 3874 pursuant to s. 1013.64(2)(a)8. that is being satisfied by  
 3875 revenues raised by the discretionary millage.

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3876        (b) Divide the school district's adjusted discretionary  
 3877 millage revenue by the district's total capital outlay full-time  
 3878 equivalent membership and the total number of unweighted full-  
 3879 time equivalent students of each eligible charter school to  
 3880 determine a capital outlay allocation per full-time equivalent  
 3881 student.

3882        (c) Multiply the capital outlay allocation per full-time  
 3883 equivalent student by the total number of full-time equivalent  
 3884 students of each eligible charter school to determine the  
 3885 capital outlay allocation for each charter school.

3886        (d) If applicable, reduce the capital outlay allocation  
 3887 identified in paragraph (c) by the total amount of state funds  
 3888 allocated to each eligible charter school in subsection (2) to  
 3889 determine the maximum calculated capital outlay allocation.

3890        (e) School districts shall distribute capital outlay funds  
 3891 to charter schools no later than February 1 of each year,  
 3892 beginning on February 1, 2018, for the 2017-2018 fiscal year.

3893        (4)(3) A charter school's governing body may use charter  
 3894 school capital outlay funds for the following purposes:

3895            (a) Purchase of real property.

3896            (b) Construction of school facilities.

3897            (c) Purchase, lease-purchase, or lease of permanent or  
 3898 relocatable school facilities.

3899            (d) Purchase of vehicles to transport students to and from  
 3900 the charter school.

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3901 (e) Renovation, repair, and maintenance of school  
 3902 facilities that the charter school owns or is purchasing through  
 3903 a lease-purchase or long-term lease of 5 years or longer.

3904 ~~(f) Effective July 1, 2008, purchase, lease-purchase, or~~  
 3905 ~~lease of new and replacement equipment, and enterprise resource~~  
 3906 ~~software applications that are classified as capital assets in~~  
 3907 ~~accordance with definitions of the Governmental Accounting~~  
 3908 ~~Standards Board, have a useful life of at least 5 years, and are~~  
 3909 ~~used to support schoolwide administration or state-mandated~~  
 3910 ~~reporting requirements.~~

3911 (f)(g) Payment of the cost of premiums for property and  
 3912 casualty insurance necessary to insure the school facilities.

3913 (g)(h) Purchase, lease-purchase, or lease of driver's  
 3914 education vehicles; motor vehicles used for the maintenance or  
 3915 operation of plants and equipment; security vehicles; or  
 3916 vehicles used in storing or distributing materials and  
 3917 equipment.

3918 (h) Purchase, lease-purchase, or lease of computer and  
 3919 device hardware and operating system software necessary for  
 3920 gaining access to or enhancing the use of electronic and digital  
 3921 instructional content and resources; and enterprise resource  
 3922 software applications that are classified as capital assets in  
 3923 accordance with definitions of the Governmental Accounting  
 3924 Standards Board, have a useful life of at least 5 years, and are  
 3925 used to support schoolwide administration or state-mandated



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3926 | reporting requirements. Enterprise resource software may be  
 3927 | acquired by annual license fees, maintenance fees, or lease  
 3928 | agreement.

3929 | (i) Payment of the cost of the opening day collection for  
 3930 | the library media center of a new school.

3931 |  
 3932 | Conversion charter schools may use capital outlay funds received  
 3933 | through the reduction in the administrative fee provided in s.  
 3934 | 1002.33(20) for renovation, repair, and maintenance of school  
 3935 | facilities that are owned by the sponsor.

3936 | (5)~~(4)~~ If a charter school is nonrenewed or terminated,  
 3937 | any unencumbered funds and all equipment and property purchased  
 3938 | with district public funds shall revert to the ownership of the  
 3939 | district school board, as provided for in s. 1002.33(8)(e) and  
 3940 | (f). In the case of a charter lab school, any unencumbered funds  
 3941 | and all equipment and property purchased with university public  
 3942 | funds shall revert to the ownership of the state university that  
 3943 | issued the charter. The reversion of such equipment, property,  
 3944 | and furnishings shall focus on recoverable assets, but not on  
 3945 | intangible or irrecoverable costs such as rental or leasing  
 3946 | fees, normal maintenance, and limited renovations. The reversion  
 3947 | of all property secured with public funds is subject to the  
 3948 | complete satisfaction of all lawful liens or encumbrances. If  
 3949 | there are additional local issues such as the shared use of  
 3950 | facilities or partial ownership of facilities or property, these

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3951 issues shall be agreed to in the charter contract prior to the  
 3952 expenditure of funds.

3953 (6)~~(5)~~ The Commissioner of Education shall specify  
 3954 procedures for submitting and approving requests for funding  
 3955 under this section and procedures for documenting expenditures.

3956 (7)~~(6)~~ The annual legislative budget request of the  
 3957 Department of Education shall include a request for capital  
 3958 outlay funding for charter schools. The request shall be based  
 3959 on the projected number of students to be served in charter  
 3960 schools who meet the eligibility requirements of this section.

3961 Section 32. Effective upon this act becoming a law,  
 3962 paragraphs (a), (b), and (c) of subsection (3) and paragraphs  
 3963 (b) and (c) of subsection (6) of section 1013.64, Florida  
 3964 Statutes, are amended to read:

3965 1013.64 Funds for comprehensive educational plant needs;  
 3966 construction cost maximums for school district capital  
 3967 projects.—Allocations from the Public Education Capital Outlay  
 3968 and Debt Service Trust Fund to the various boards for capital  
 3969 outlay projects shall be determined as follows:

3970 (3) (a) Each district school board shall receive an amount  
 3971 from the Public Education Capital Outlay and Debt Service Trust  
 3972 Fund to be calculated by computing the capital outlay membership  
 3973 as determined by the department. Such membership must include,  
 3974 but is not limited to, prekindergarten through grade 12;

3975 1. K-12 students whose instruction is funded by the

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3976 Florida Education Finance Program and ~~prekindergarten~~  
 3977 ~~exceptional students~~ for whom the school district provides the  
 3978 educational facility, ~~except hospital- and homebound part-time~~  
 3979 ~~students; and~~

3980 ~~2. Students who are career education students, and adult~~  
 3981 ~~disabled students and who are enrolled in school district career~~  
 3982 ~~centers.~~

3983 (b) The capital outlay full-time equivalent membership  
 3984 shall be determined ~~for prekindergarten exceptional education~~  
 3985 ~~students, kindergarten through the 12th grade, and for career~~  
 3986 ~~centers~~ by counting the reported unweighted full-time equivalent  
 3987 student membership for the second and third surveys with each  
 3988 survey limited to 0.5 full-time equivalent student membership  
 3989 per student and comparing the results on a school-by-school  
 3990 basis with the Florida Inventory of School Houses. ~~If the prior~~  
 3991 ~~academic year's third survey count is higher than the current~~  
 3992 ~~year's second survey count when comparing the results on a~~  
 3993 ~~school-by-school basis with the Florida Inventory of School~~  
 3994 ~~Houses, the prior year's third survey count shall be used on a~~  
 3995 ~~school-by-school basis for determining the current capital~~  
 3996 ~~outlay membership. The Florida Inventory of School Houses shall~~  
 3997 ~~be updated with the current capital outlay membership count as~~  
 3998 ~~soon as practicable after verification of the capital outlay~~  
 3999 ~~membership.~~

4000 (c) The capital outlay full-time equivalent membership by

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4001 grade level organization shall be used in making calculations.  
4002 The capital outlay membership by grade level organization for  
4003 the 4th prior year must be used to compute the base-year  
4004 allocation. The capital outlay full-time equivalent membership  
4005 by grade-level organization for the prior year must be used to  
4006 compute the growth over the highest of the 3 years preceding the  
4007 prior year. From the total amount appropriated by the  
4008 Legislature pursuant to this subsection, 40 percent shall be  
4009 allocated among the base capital outlay full-time equivalent  
4010 membership and 60 percent among the growth capital outlay full-  
4011 time equivalent membership. The allocation within each of these  
4012 groups shall be prorated to the districts based upon each  
4013 district's percentage of base and growth capital outlay full-  
4014 time equivalent membership. The most recent 4-year capital  
4015 outlay full-time equivalent membership data shall be used in  
4016 each subsequent year's calculation for the allocation of funds  
4017 pursuant to this subsection. If a change, correction, or  
4018 recomputation of data during any year results in a reduction or  
4019 increase of the calculated amount previously allocated to a  
4020 district, the allocation to that district shall be adjusted  
4021 accordingly. If such recomputation results in an increase or  
4022 decrease of the calculated amount, such additional or reduced  
4023 amounts shall be added to or reduced from the district's future  
4024 appropriations. However, no change, correction, or recomputation  
4025 of data shall be made subsequent to 2 years following the

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4026 | initial annual allocation.

4027 |         (6)

4028 |         (b)1. A district school board may not use funds from the

4029 | following sources: Public Education Capital Outlay and Debt

4030 | Service Trust Fund; School District and Community College

4031 | District Capital Outlay and Debt Service Trust Fund; Classrooms

4032 | First Program funds provided in s. 1013.68; nonvoted 1.5-mill

4033 | levy of ad valorem property taxes provided in s. 1011.71(2);

4034 | Classrooms for Kids Program funds provided in s. 1013.735;

4035 | District Effort Recognition Program funds provided in s.

4036 | 1013.736; or High Growth District Capital Outlay Assistance

4037 | Grant Program funds provided in s. 1013.738 for any new

4038 | construction of educational plant space with a total cost per

4039 | student station, including change orders, that equals more than:

4040 |             a. \$17,952 for an elementary school,

4041 |             b. \$19,386 for a middle school, or

4042 |             c. \$25,181 for a high school,

4043 |

4044 | (January 2006) as adjusted annually to reflect increases or

4045 | decreases in the Consumer Price Index.

4046 |         2. School districts shall maintain accurate documentation

4047 | related to the costs of all new construction of educational

4048 | plant space reported to the Department of Education pursuant to

4049 | paragraph (d). The Auditor General shall review the

4050 | documentation maintained by the school districts and verify

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4051 compliance with the limits under this paragraph during its  
 4052 scheduled operational audits of the school district. The  
 4053 department shall make the final determination on district  
 4054 compliance based on the recommendation of the Auditor General.

4055 3. The Office of Economic and Demographic Research, in  
 4056 consultation with the department, shall conduct a study of the  
 4057 cost per student station amounts using the most recent available  
 4058 information on construction costs. In this study, the costs per  
 4059 student station should represent the costs of classroom  
 4060 construction and administrative offices as well as the  
 4061 supplemental costs of core facilities, including required media  
 4062 centers, gymnasiums, music rooms, cafeterias and their  
 4063 associated kitchens and food service areas, vocational areas,  
 4064 and other defined specialty areas, including exceptional student  
 4065 education areas. The study must take into account appropriate  
 4066 cost-effectiveness factors in school construction and should  
 4067 include input from industry experts. The Office of Economic and  
 4068 Demographic Research must provide the results of the study and  
 4069 recommendations on the cost per student station to the Governor,  
 4070 the President of the Senate, and the Speaker of the House of  
 4071 Representatives no later than January 31, 2017.

4072 4. The Office of Program Policy Analysis and Government  
 4073 Accountability (OPPAGA) shall conduct a study of the State  
 4074 Requirements for Education Facilities (SREF) to identify current  
 4075 requirements that can be eliminated or modified in order to

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4076 decrease the cost of construction of educational facilities  
 4077 while ensuring student safety. OPPAGA must provide the results  
 4078 of the study, and an overall recommendation as to whether SREF  
 4079 should be retained, to the Governor, the President of the  
 4080 Senate, and the Speaker of the House of Representatives no later  
 4081 than January 31, 2017.

4082 5. Effective July 1, 2017, in addition to the funding  
 4083 sources listed in subparagraph 1., a district school board may  
 4084 not use funds from any sources for new construction of  
 4085 educational plant space with a total cost per student station,  
 4086 including change orders, which equals more than the current  
 4087 adjusted amounts provided in sub-subparagraphs 1.a.-c. which  
 4088 shall subsequently be adjusted annually to reflect increases or  
 4089 decreases in the Consumer Price Index. However, if a contract  
 4090 has been executed for architectural and design services or for  
 4091 construction management services before July 1, 2017, a district  
 4092 school board may use funds from any source for the new  
 4093 construction of educational plant space and such funds are  
 4094 exempt from the total cost per student station requirements.

4095 6. A district school board must not use funds from the  
 4096 Public Education Capital Outlay and Debt Service Trust Fund or  
 4097 the School District and Community College District Capital  
 4098 Outlay and Debt Service Trust Fund for any new construction of  
 4099 an ancillary plant that exceeds 70 percent of the average cost  
 4100 per square foot of new construction for all schools.

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4101 (c) Except as otherwise provided, new construction for  
 4102 which a contract has been executed for architectural and design  
 4103 services or for construction management services ~~initiated~~ by a  
 4104 district school board on or after July 1, 2017, may not exceed  
 4105 the cost per student station as provided in paragraph (b). A  
 4106 school district that exceeds the cost per student station  
 4107 provided in paragraph (b), as determined by the Auditor General,  
 4108 shall be subject to sanctions. If the Auditor General determines  
 4109 that the cost per student station overage is de minimus or due  
 4110 to extraordinary circumstances outside the control of the  
 4111 district, the sanctions shall not apply. The sanctions are as  
 4112 follows:

4113 1. The school district shall be ineligible for allocations  
 4114 from the Public Education Capital Outlay and Debt Service Trust  
 4115 Fund for the next 3 years in which the school district would  
 4116 have received allocations had the violation not occurred.

4117 2. The school district shall be subject to the supervision  
 4118 of a district capital outlay oversight committee. The oversight  
 4119 committee is authorized to approve all capital outlay  
 4120 expenditures of the school district, including new construction,  
 4121 renovations, and remodeling, for 3 fiscal years following the  
 4122 violation.

4123 a. Each oversight committee shall be composed of the  
 4124 following:

4125 (I) One appointee of the Commissioner of Education who has



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4126 | significant financial management, school facilities  
 4127 | construction, or related experience.

4128 | (II) One appointee of the office of the state attorney  
 4129 | with jurisdiction over the district.

4130 | (III) One appointee of the Chief Financial Officer who is  
 4131 | a licensed certified public accountant.

4132 | b. An appointee to the oversight committee may not be  
 4133 | employed by the school district; be a relative, as defined in s.  
 4134 | 1002.33(24)(a)2., of any school district employee; or be an  
 4135 | elected official. Each appointee must sign an affidavit  
 4136 | attesting to these conditions and affirming that no conflict of  
 4137 | interest exists in his or her oversight role.

4138 | Section 33. Paragraphs (b) and (f) of subsection (3) and  
 4139 | subsection (4) of section 1003.4282, Florida Statutes, are  
 4140 | amended to read:

4141 | 1003.4282 Requirements for a standard high school  
 4142 | diploma.—

4143 | (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
 4144 | REQUIREMENTS.—

4145 | (b) *Four credits in mathematics.*—A student must earn one  
 4146 | credit in Algebra I and one credit in Geometry. A student's  
 4147 | performance on the statewide, standardized Algebra I end-of-  
 4148 | course (EOC) assessment constitutes 30 percent of the student's  
 4149 | final course grade. A student must pass the statewide,  
 4150 | standardized Algebra I EOC assessment, or earn a comparative

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4151 score, in order to earn a standard high school diploma. A  
 4152 student's performance on the statewide, standardized Geometry  
 4153 EOC assessment constitutes 30 percent of the student's final  
 4154 course grade. ~~If the state administers a statewide, standardized~~  
 4155 ~~Algebra II assessment, a student selecting Algebra II must take~~  
 4156 ~~the assessment, and the student's performance on the assessment~~  
 4157 ~~constitutes 30 percent of the student's final course grade. A~~  
 4158 student who earns an industry certification for which there is a  
 4159 statewide college credit articulation agreement approved by the  
 4160 State Board of Education may substitute the certification for  
 4161 one mathematics credit. Substitution may occur for up to two  
 4162 mathematics credits, except for Algebra I and Geometry.

4163 (f) *One credit in physical education.*—Physical education  
 4164 must include the integration of health. Participation in an  
 4165 interscholastic sport at the junior varsity or varsity level for  
 4166 two full seasons shall satisfy the one-credit requirement in  
 4167 physical education ~~if the student passes a competency test on~~  
 4168 ~~personal fitness with a score of "C" or better. The competency~~  
 4169 ~~test on personal fitness developed by the Department of~~  
 4170 ~~Education must be used.~~ A district school board may not require  
 4171 that the one credit in physical education be taken during the  
 4172 9th grade year. Completion of one semester with a grade of "C"  
 4173 or better in a marching band class, in a physical activity class  
 4174 that requires participation in marching band activities as an  
 4175 extracurricular activity, or in a dance class shall satisfy one-

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4176 half credit in physical education or one-half credit in  
 4177 performing arts. This credit may not be used to satisfy the  
 4178 personal fitness requirement or the requirement for adaptive  
 4179 physical education under an individual education plan (IEP) or  
 4180 504 plan. Completion of 2 years in a Reserve Officer Training  
 4181 Corps (R.O.T.C.) class, a significant component of which is  
 4182 drills, shall satisfy the one-credit requirement in physical  
 4183 education and the one-credit requirement in performing arts.  
 4184 This credit may not be used to satisfy the personal fitness  
 4185 requirement or the requirement for adaptive physical education  
 4186 under an IEP or 504 plan.

4187 (4) ONLINE COURSE REQUIREMENT.—At least one course within  
 4188 the 24 credits required under this section must be completed  
 4189 through online learning.

4190 (a) An online course taken in grade 6, grade 7, or grade 8  
 4191 fulfills the requirements of this subsection. The requirement is  
 4192 met through an online course offered by the Florida Virtual  
 4193 School, a virtual education provider approved by the State Board  
 4194 of Education, a high school, or an online dual enrollment  
 4195 course. A student who is enrolled in a full-time or part-time  
 4196 virtual instruction program under s. 1002.45 meets the  
 4197 requirement.

4198 (b) A district school board or a charter school governing  
 4199 board, as applicable, may allow a student ~~offer students the~~  
 4200 ~~following options~~ to satisfy the online course requirements of

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4201 this subsection by completing a blended learning course or  
 4202 ~~1. Completion of a course in which the a student earns a~~  
 4203 nationally recognized industry certification in information  
 4204 technology that is identified on the CAPE Industry Certification  
 4205 Funding List pursuant to s. 1008.44 or passing ~~passage of the~~  
 4206 information technology certification examination without  
 4207 enrolling enrollment in or completing completion of the  
 4208 corresponding course or courses, as applicable.

4209 ~~2. Passage of an online content assessment, without~~  
 4210 ~~enrollment in or completion of the corresponding course or~~  
 4211 ~~courses, as applicable, by which the student demonstrates skills~~  
 4212 ~~and competency in locating information and applying technology~~  
 4213 ~~for instructional purposes.~~

4214  
 4215 For purposes of this subsection, a school district may not  
 4216 require a student to take the online or blended learning course  
 4217 outside the school day or in addition to a student's courses for  
 4218 a given semester. This subsection does not apply to a student  
 4219 who has an individual education plan under s. 1003.57 which  
 4220 indicates that an online or blended learning course would be  
 4221 inappropriate or to an out-of-state transfer student who is  
 4222 enrolled in a Florida high school and has 1 academic year or  
 4223 less remaining in high school.

4224 Section 34. Paragraph (a) of subsection (1) of section  
 4225 1003.4285, Florida Statutes, is amended to read:

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4226 | 1003.4285 Standard high school diploma designations.—

4227 | (1) Each standard high school diploma shall include, as  
 4228 | applicable, the following designations if the student meets the  
 4229 | criteria set forth for the designation:

4230 | (a) *Scholar designation*.—In addition to the requirements  
 4231 | of s. 1003.4282, in order to earn the Scholar designation, a  
 4232 | student must satisfy the following requirements:

4233 | 1. Mathematics.—Earn one credit in Algebra II and one  
 4234 | credit in statistics or an equally rigorous course. Beginning  
 4235 | with students entering grade 9 in the 2014-2015 school year,  
 4236 | pass the ~~Algebra II and~~ Geometry statewide, standardized  
 4237 | assessment ~~assessments~~.

4238 | 2. Science.—Pass the statewide, standardized Biology I EOC  
 4239 | assessment and earn one credit in chemistry or physics and one  
 4240 | credit in a course equally rigorous to chemistry or physics.  
 4241 | However, a student enrolled in an Advanced Placement (AP),  
 4242 | International Baccalaureate (IB), or Advanced International  
 4243 | Certificate of Education (AICE) Biology course who takes the  
 4244 | respective AP, IB, or AICE Biology assessment and earns the  
 4245 | minimum score necessary to earn college credit as identified  
 4246 | pursuant to s. 1007.27(2) meets the requirement of this  
 4247 | subparagraph without having to take the statewide, standardized  
 4248 | Biology I EOC assessment.

4249 | 3. Social studies.—Pass the statewide, standardized United  
 4250 | States History EOC assessment. However, a student enrolled in an

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4251 AP, IB, or AICE course that includes United States History  
4252 topics who takes the respective AP, IB, or AICE assessment and  
4253 earns the minimum score necessary to earn college credit as  
4254 identified pursuant to s. 1007.27(2) meets the requirement of  
4255 this subparagraph without having to take the statewide,  
4256 standardized United States History EOC assessment.

4257 4. Foreign language.—Earn two credits in the same foreign  
4258 language.

4259 5. Electives.—Earn at least one credit in an Advanced  
4260 Placement, an International Baccalaureate, an Advanced  
4261 International Certificate of Education, or a dual enrollment  
4262 course.

4263 Section 35. Paragraphs (c) through (f) and paragraph (g)  
4264 of subsection (7) of section 1008.22, Florida Statutes, are  
4265 redesignated as paragraphs (d) through (g) and paragraph (i),  
4266 respectively, subsections (8) through (12) are renumbered as  
4267 subsections (9) through (13), respectively, paragraphs (a), (b),  
4268 and (d) of subsection (3), paragraphs (a) and (b) and present  
4269 paragraph (f) of subsection (7), and paragraph (e) of present  
4270 subsection (11) are amended, new paragraphs (c) and (i) are  
4271 added to subsection (7), and a new subsection (8) is added to  
4272 that section, to read:

4273 1008.22 Student assessment program for public schools.—

4274 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
4275 Commissioner of Education shall design and implement a

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4276 statewide, standardized assessment program aligned to the core  
4277 curricular content established in the Next Generation Sunshine  
4278 State Standards. The commissioner also must develop or select  
4279 and implement a common battery of assessment tools that will be  
4280 used in all juvenile justice education programs in the state.  
4281 These tools must accurately measure the core curricular content  
4282 established in the Next Generation Sunshine State Standards.  
4283 Participation in the assessment program is mandatory for all  
4284 school districts and all students attending public schools,  
4285 including adult students seeking a standard high school diploma  
4286 under s. 1003.4282 and students in Department of Juvenile  
4287 Justice education programs, except as otherwise provided by law.  
4288 If a student does not participate in the assessment program, the  
4289 school district must notify the student's parent and provide the  
4290 parent with information regarding the implications of such  
4291 nonparticipation. The statewide, standardized assessment program  
4292 shall be designed and implemented as follows:

4293 (a) *Statewide, standardized comprehensive assessments.*—The  
4294 statewide, standardized Reading assessment shall be administered  
4295 annually in grades 3 through 10. The statewide, standardized  
4296 Writing assessment shall be administered annually at least once  
4297 at the elementary, middle, and high school levels. When the  
4298 Reading and Writing assessments are replaced by English Language  
4299 Arts (ELA) assessments, ELA assessments shall be administered to  
4300 students in grades 3 through 10. Retake opportunities for the

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4301 grade 10 Reading assessment or, upon implementation, the grade  
 4302 10 ELA assessment must be provided. Students taking the ELA  
 4303 assessments shall not take the statewide, standardized  
 4304 assessments in Reading or Writing. ELA assessments shall be  
 4305 administered online. The statewide, standardized Mathematics  
 4306 assessments shall be administered annually in grades 3 through  
 4307 8. Students taking a revised Mathematics assessment shall not  
 4308 take the discontinued assessment. The statewide, standardized  
 4309 Science assessment shall be administered annually at least once  
 4310 at the elementary and middle grades levels. In order to earn a  
 4311 standard high school diploma, a student who has not earned a  
 4312 passing score on the grade 10 Reading assessment or, upon  
 4313 implementation, the grade 10 ELA assessment must earn a passing  
 4314 score on the assessment retake or earn a concordant score as  
 4315 authorized under subsection (9) ~~(8)~~.

4316 (b) *End-of-course (EOC) assessments.*—EOC assessments must  
 4317 be statewide, standardized, and developed or approved by the  
 4318 Department of Education as follows:

4319 1. EOC assessments for Algebra I, Geometry, ~~Algebra II,~~  
 4320 Biology I, United States History, and Civics shall be  
 4321 administered to students enrolled in such courses as specified  
 4322 in the course code directory.

4323 2. Students enrolled in a course, as specified in the  
 4324 course code directory, with an associated statewide,  
 4325 standardized EOC assessment must take the EOC assessment for



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4326 | such course and may not take the corresponding subject or grade-  
4327 | level statewide, standardized assessment pursuant to paragraph  
4328 | (a). Sections 1003.4156 and 1003.4282 govern the use of  
4329 | statewide, standardized EOC assessment results for students.

4330 |         3. The commissioner may select one or more nationally  
4331 | developed comprehensive examinations, which may include  
4332 | examinations for a College Board Advanced Placement course,  
4333 | International Baccalaureate course, or Advanced International  
4334 | Certificate of Education course, or industry-approved  
4335 | examinations to earn national industry certifications identified  
4336 | in the CAPE Industry Certification Funding List, for use as EOC  
4337 | assessments under this paragraph if the commissioner determines  
4338 | that the content knowledge and skills assessed by the  
4339 | examinations meet or exceed the grade-level expectations for the  
4340 | core curricular content established for the course in the Next  
4341 | Generation Sunshine State Standards. Use of any such examination  
4342 | as an EOC assessment must be approved by the state board in  
4343 | rule.

4344 |         4. Contingent upon funding provided in the General  
4345 | Appropriations Act, including the appropriation of funds  
4346 | received through federal grants, the commissioner may establish  
4347 | an implementation schedule for the development and  
4348 | administration of additional statewide, standardized EOC  
4349 | assessments that must be approved by the state board in rule. If  
4350 | approved by the state board, student performance on such

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4351 assessments constitutes 30 percent of a student's final course  
4352 grade.

4353 5. All statewide, standardized EOC assessments must be  
4354 administered online except as otherwise provided in paragraph  
4355 (c).

4356 (d) *Implementation schedule.*—

4357 1. The Commissioner of Education shall establish and  
4358 publish on the department's website an implementation schedule  
4359 to transition from the statewide, standardized Reading and  
4360 Writing assessments to the ELA assessments and to the revised  
4361 Mathematics assessments, including the Algebra I and Geometry  
4362 EOC assessments. The schedule must take into consideration  
4363 funding, sufficient field and baseline data, access to  
4364 assessments, instructional alignment, and school district  
4365 readiness to administer the assessments online. All such  
4366 assessments must be delivered through computer-based testing,  
4367 however, the following assessments must be delivered in a  
4368 computer-based format, as follows: ~~the grade 3 ELA assessment,~~  
4369 ~~beginning in the 2017-2018 school year;~~ the grade 3 Mathematics  
4370 assessment beginning in the 2016-2017 school year; the grade 4  
4371 ELA assessment, beginning in the 2015-2016 school year; and the  
4372 grade 4 Mathematics assessment, beginning in the 2016-2017  
4373 school year. Notwithstanding the requirements of this  
4374 subparagraph, statewide, standardized ELA and mathematics  
4375 assessments in grades 3 through 6 must be delivered only in a

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4376 paper-based format, beginning with the 2017-2018 school year,  
 4377 and all such assessments must be paper-based no later than the  
 4378 2018-2019 school year.

4379         2. The Department of Education shall publish minimum and  
 4380 recommended technology requirements that include specifications  
 4381 for hardware, software, networking, security, and broadband  
 4382 capacity to facilitate school district compliance with the  
 4383 requirements of this section ~~requirement that assessments be~~  
 4384 ~~administered online.~~

4385         (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

4386         (a) The Commissioner of Education shall establish  
 4387 schedules for the administration of statewide, standardized  
 4388 assessments and the reporting of student assessment results. The  
 4389 commissioner shall consider the observance of religious and  
 4390 school holidays when developing the schedules. The assessment  
 4391 and reporting schedules must provide the earliest possible  
 4392 reporting of student assessment results to the school districts,  
 4393 consistent with the requirements of paragraph (3)(g). Assessment  
 4394 results for the statewide, standardized ELA and mathematics  
 4395 assessments and all statewide, standardized EOC assessments must  
 4396 be made available no later than ~~the week of~~ June 30 ~~&~~, except  
 4397 for results for the grade 3 statewide, standardized ELA  
 4398 assessment, which must be made available no later than May 31 ~~of~~  
 4399 ~~assessments administered in the 2014-2015 school year.~~ School  
 4400 districts shall administer statewide, standardized assessments

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4401 in accordance with the schedule established by the commissioner.

4402 (b) By January ~~August~~ of each year, beginning in 2018  
 4403 ~~2016~~, the commissioner shall publish on the department's website  
 4404 a uniform calendar that includes the assessment and reporting  
 4405 schedules for, at a minimum, the next 2 school years. The  
 4406 uniform calendar must be provided to school districts in an  
 4407 electronic format that allows each school district and public  
 4408 school to populate the calendar with, at minimum, the following  
 4409 information for reporting the district assessment schedules  
 4410 under paragraph (d) ~~(e)~~:

4411 1. Whether the assessment is a district-required  
 4412 assessment or a state-required assessment.

4413 2. The specific date or dates that each assessment will be  
 4414 administered.

4415 3. The time allotted to administer each assessment.

4416 4. Whether the assessment is a computer-based assessment  
 4417 or a paper-based assessment.

4418 5. The grade level or subject area associated with the  
 4419 assessment.

4420 6. The date that the assessment results are expected to be  
 4421 available to teachers and parents.

4422 7. The type of assessment, the purpose of the assessment,  
 4423 and the use of the assessment results.

4424 8. A glossary of assessment terminology.

4425 9. Estimates of average time for administering state-

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4426 required and district-required assessments, by grade level.

4427 (c) Beginning with the 2018-2019 school year, the spring  
 4428 administration of the statewide, standardized assessments in  
 4429 paragraphs (3)(a) and (b), excluding assessment retakes, must be  
 4430 in accordance with the following schedule:

4431 1. The grade 3 statewide, standardized ELA assessment and  
 4432 the writing portion of the statewide, standardized ELA  
 4433 assessment for grades 4 through 10 must be administered no  
 4434 earlier than April 1 each year within an assessment window not  
 4435 to exceed 2 weeks.

4436 2. With the exception of assessments identified in  
 4437 subparagraph 1., any statewide, standardized assessment that is  
 4438 delivered in a paper-based format must be administered no  
 4439 earlier than May 1 each year within an assessment window not to  
 4440 exceed 2 weeks.

4441 3. With the exception of assessments identified in  
 4442 subparagraphs 1. and 2., any statewide, standardized assessment  
 4443 must be administered within a 4-week assessment window that  
 4444 opens no earlier than May 1 each year.

4445  
 4446 Each school district shall administer the assessments identified  
 4447 under subparagraphs 2. and 3. no earlier than 4 weeks before the  
 4448 last day of school for the district.

4449 (g) ~~(f)~~ A school district must provide a student's  
 4450 performance results on district-required local assessments to

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4451 the student's teachers within 1 week and to the student's  
4452 parents no later than 30 days after administering such  
4453 assessments, unless the superintendent determines in writing  
4454 that extenuating circumstances exist and reports the extenuating  
4455 circumstances to the district school board.

4456 (h) The results of statewide, standardized ELA and  
4457 mathematics assessments, including assessment retakes, shall be  
4458 reported in an easy-to-read and understandable format and  
4459 delivered in time to provide useful, actionable information to  
4460 students, parents, and each student's current teacher of record  
4461 and teacher of record for the subsequent school year; however,  
4462 in any case, the district shall provide the results pursuant to  
4463 this paragraph within 1 week after receiving the results from  
4464 the department. A report of student assessment results must, at  
4465 a minimum, contain:

4466 1. A clear explanation of the student's performance on the  
4467 applicable statewide, standardized assessments.

4468 2. Information identifying the student's areas of strength  
4469 and areas in need of improvement.

4470 3. Specific actions that may be taken, and the available  
4471 resources that may be used, by the student's parent to assist  
4472 his or her child based on the student's areas of strength and  
4473 areas in need of improvement.

4474 4. Longitudinal information, if available, on the  
4475 student's progress in each subject area based on previous

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4476 statewide, standardized assessment data.

4477 5. Comparative information showing the student's score  
 4478 compared to other students in the school district, in the state,  
 4479 or, if available, in other states.

4480 6. Predictive information, if available, showing the  
 4481 linkage between the scores attained by the student on the  
 4482 statewide, standardized assessments and the scores he or she may  
 4483 potentially attain on nationally recognized college entrance  
 4484 examinations.

4485 (8) PUBLICATION OF ASSESSMENTS.— To promote transparency  
 4486 in the statewide assessment program, in any procurement for the  
 4487 ELA assessment in grades 3 through 10 and the mathematics  
 4488 assessment in grades 3 through 8, the Department of Education  
 4489 shall solicit cost proposals for publication of the state  
 4490 assessments on its website in accordance with this subsection.

4491 (a) The department shall publish each assessment  
 4492 administered under paragraph (3) (a) and subparagraph (3) (b)1.,  
 4493 excluding assessment retakes, at least once on a triennial basis  
 4494 pursuant to a schedule determined by the Commissioner of  
 4495 Education. Each assessment, when published, must have been  
 4496 administered during the most recent school year.

4497 (b) The initial publication of assessments must occur no  
 4498 later than June 30, 2021, subject to appropriation, and must  
 4499 include, at a minimum, the grade 3 ELA and mathematics  
 4500 assessments, the grade 10 ELA assessment, and the Algebra I EOC

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4501 assessment.

4502 (c) The department must provide materials on its website  
 4503 to help the public interpret assessment information published  
 4504 pursuant to this subsection.

4505 (12)~~(11)~~ REPORTS.—The Department of Education shall  
 4506 annually provide a report to the Governor, the President of the  
 4507 Senate, and the Speaker of the House of Representatives which  
 4508 shall include the following:

4509 (e) The number of students who after 8th grade enroll in  
 4510 adult education rather than other secondary education, which is  
 4511 defined as grades 9 through 12.

4512 Section 36. Paragraph (c) of subsection (1), paragraph (a)  
 4513 of subsection (3), and subsections (7), (8), and (9) of section  
 4514 1012.34, Florida Statutes, are amended to read:

4515 1012.34 Personnel evaluation procedures and criteria.—

4516 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

4517 (c) Annually, by February 1, the Commissioner of Education  
 4518 shall publish on the department's website the status of each  
 4519 school district's instructional personnel and school  
 4520 administrator evaluation systems. This information must include:

4521 ~~1.~~ performance evaluation results for the prior school  
 4522 year for instructional personnel and school administrators using  
 4523 the four levels of performance specified in paragraph (2) (e).

4524 The performance evaluation results for instructional personnel  
 4525 shall be disaggregated by classroom teachers, as defined in s.



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4526 1012.01(2)(a), excluding substitute teachers, and all other  
 4527 instructional personnel, as defined in s. 1012.01(2)(b)-(d).

4528 ~~2. An analysis that compares performance evaluation~~  
 4529 ~~results calculated by each school district to indicators of~~  
 4530 ~~performance calculated by the department using the standards for~~  
 4531 ~~performance levels adopted by the state board under subsection~~  
 4532 ~~(8).~~

4533 ~~3. Data reported under s. 1012.341.~~

4534 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
 4535 personnel and school administrator performance evaluations must  
 4536 be based upon the performance of students assigned to their  
 4537 classrooms or schools, as provided in this section. Pursuant to  
 4538 this section, a school district's performance evaluation system  
 4539 is not limited to basing unsatisfactory performance of  
 4540 instructional personnel and school administrators solely upon  
 4541 student performance, but may include other criteria to evaluate  
 4542 instructional personnel and school administrators' performance,  
 4543 or any combination of student performance and other criteria.  
 4544 Evaluation procedures and criteria must comply with, but are not  
 4545 limited to, the following:

4546 (a) A performance evaluation must be conducted for each  
 4547 employee at least once a year, except that a classroom teacher,  
 4548 as defined in s. 1012.01(2)(a), excluding substitute teachers,  
 4549 who is newly hired by the district school board must be observed  
 4550 and evaluated at least twice in the first year of teaching in

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4551 the school district. The performance evaluation must be based  
4552 upon sound educational principles and contemporary research in  
4553 effective educational practices. The evaluation criteria must  
4554 include:

4555 1. Performance of students.—At least one-third of a  
4556 performance evaluation must be based upon data and indicators of  
4557 student performance, as determined by each school district ~~in~~  
4558 ~~accordance with subsection (7)~~. This portion of the evaluation  
4559 must include growth or achievement data of the teacher's  
4560 students or, for a school administrator, the students attending  
4561 the school over the course of at least 3 years. If less than 3  
4562 years of data are available, the years for which data are  
4563 available must be used. The proportion of growth or achievement  
4564 data may be determined by instructional assignment.

4565 2. Instructional practice.—For instructional personnel, at  
4566 least one-third of the performance evaluation must be based upon  
4567 instructional practice. Evaluation criteria used when annually  
4568 observing classroom teachers, as defined in s. 1012.01(2)(a),  
4569 excluding substitute teachers, must include indicators based  
4570 upon each of the Florida Educator Accomplished Practices adopted  
4571 by the State Board of Education. For instructional personnel who  
4572 are not classroom teachers, evaluation criteria must be based  
4573 upon indicators of the Florida Educator Accomplished Practices  
4574 and may include specific job expectations related to student  
4575 support.

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4576           3. Instructional leadership.—For school administrators, at  
4577 least one-third of the performance evaluation must be based on  
4578 instructional leadership. Evaluation criteria for instructional  
4579 leadership must include indicators based upon each of the  
4580 leadership standards adopted by the State Board of Education  
4581 under s. 1012.986, including performance measures related to the  
4582 effectiveness of classroom teachers in the school, the  
4583 administrator's appropriate use of evaluation criteria and  
4584 procedures, recruitment and retention of effective and highly  
4585 effective classroom teachers, improvement in the percentage of  
4586 instructional personnel evaluated at the highly effective or  
4587 effective level, and other leadership practices that result in  
4588 student learning growth. The system may include a means to give  
4589 parents and instructional personnel an opportunity to provide  
4590 input into the administrator's performance evaluation.

4591           4. Other indicators of performance.—For instructional  
4592 personnel and school administrators, the remainder of a  
4593 performance evaluation may include, but is not limited to,  
4594 professional and job responsibilities as recommended by the  
4595 State Board of Education or identified by the district school  
4596 board and, for instructional personnel, peer reviews,  
4597 objectively reliable survey information from students and  
4598 parents based on teaching practices that are consistently  
4599 associated with higher student achievement, and other valid and  
4600 reliable measures of instructional practice.

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4601 (7) MEASUREMENT OF STUDENT PERFORMANCE.—

4602 (a) The Commissioner of Education shall approve a formula  
4603 to measure individual student learning growth on the statewide,  
4604 standardized assessments in English Language Arts and  
4605 mathematics administered under s. 1008.22. A third party,  
4606 independent of the assessment developer, must analyze student  
4607 learning growth data calculated using the formula and provide  
4608 access to a data visualization tool that enables teachers to  
4609 understand and evaluate the data and school administrators to  
4610 improve instruction, evaluate programs, allocate resources, plan  
4611 professional development, and communicate with stakeholders. The  
4612 formula must take into consideration each student's prior  
4613 academic performance. The formula must not set different  
4614 expectations for student learning growth based upon a student's  
4615 gender, race, ethnicity, or socioeconomic status. In the  
4616 development of the formula, the commissioner shall consider  
4617 other factors such as a student's attendance record, disability  
4618 status, or status as an English language learner. The  
4619 commissioner may select additional formulas to measure student  
4620 performance as appropriate for the remainder of the statewide,  
4621 standardized assessments included under s. 1008.22 and continue  
4622 to select formulas as new assessments are implemented in the  
4623 state system. ~~After the commissioner approves the formula to~~  
4624 ~~measure individual student learning growth, the State Board of~~  
4625 ~~Education shall adopt these formulas in rule.~~

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4626           (b) Each school district may, but is not required to,  
4627 ~~shall~~ measure student learning growth using the formulas  
4628 approved by the commissioner under paragraph (a) ~~and the~~  
4629 ~~standards for performance levels adopted by the state board~~  
4630 ~~under subsection (8) for courses associated with the statewide,~~  
4631 ~~standardized assessments administered under s. 1008.22 no later~~  
4632 ~~than the school year immediately following the year the formula~~  
4633 ~~is approved by the commissioner. For grades and subjects not~~  
4634 ~~assessed by statewide, standardized assessments, each school~~  
4635 ~~district shall measure student performance using a methodology~~  
4636 ~~determined by the district.~~

4637           (8) RULEMAKING. ~~No later than August 1, 2015,~~ The State  
4638 Board of Education shall adopt rules pursuant to ss. 120.536(1)  
4639 and 120.54 which establish uniform procedures and format for the  
4640 submission, review, and approval of district evaluation systems  
4641 and reporting requirements for the annual evaluation of  
4642 instructional personnel and school administrators; ~~specific,~~  
4643 ~~discrete standards for each performance level required under~~  
4644 ~~subsection (2), based on student learning growth models approved~~  
4645 ~~by the commissioner, to ensure clear and sufficient~~  
4646 ~~differentiation in the performance levels and to provide~~  
4647 ~~consistency in meaning across school districts; the measurement~~  
4648 ~~of student learning growth and associated implementation~~  
4649 ~~procedures required under subsection (7); and a process for~~  
4650 ~~monitoring school district implementation of evaluation systems~~

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4651 ~~in accordance with this section.~~

4652 ~~(9) TRANSITION TO NEW STATEWIDE, STANDARDIZED~~  
 4653 ~~ASSESSMENTS. Standards for each performance level required under~~  
 4654 ~~subsection (2) shall be established by the State Board of~~  
 4655 ~~Education beginning with the 2015-2016 school year.~~

4656 Section 37. The Commissioner of Education shall contract  
 4657 for an independent study to determine whether the SAT and ACT  
 4658 may be administered in lieu of the grade 10 statewide,  
 4659 standardized ELA assessment and the Algebra I end-of-course  
 4660 assessment for high school students consistent with federal  
 4661 requirements under 20 U.S.C. s. 6311(b) (2) (H). The commissioner  
 4662 shall submit a report containing the results of such review and  
 4663 any recommendations to the Governor, the President of the  
 4664 Senate, the Speaker of the House of Representatives, and the  
 4665 State Board of Education by January 1, 2018.

4666 Section 38. Effective upon this act becoming a law,  
 4667 subsections (18), (21), and (24) of section 1001.42, Florida  
 4668 Statutes, are amended to read:

4669 1001.42 Powers and duties of district school board.—The  
 4670 district school board, acting as a board, shall exercise all  
 4671 powers and perform all duties listed below:

4672 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
 4673 Maintain a system of school improvement and education  
 4674 accountability as provided by statute and State Board of  
 4675 Education rule. This system of school improvement and education

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4676 | accountability shall be consistent with, and implemented  
4677 | through, the district's continuing system of planning and  
4678 | budgeting required by this section and ss. 1008.385, 1010.01,  
4679 | and 1011.01. This system of school improvement and education  
4680 | accountability shall comply with the provisions of ss. 1008.33,  
4681 | 1008.34, 1008.345, and 1008.385 and include the following:

4682 |       (a) *School improvement plans.*—

4683 |       ~~1.~~ The district school board shall annually approve and  
4684 | require implementation of a new, amended, or continuation school  
4685 | improvement plan for each school in the district which has a  
4686 | school grade of "D" or "F"; ~~-. If a school~~ has a significant gap  
4687 | in achievement on statewide, standardized assessments  
4688 | administered pursuant to s. 1008.22 by one or more student  
4689 | subgroups, as defined in the federal Elementary and Secondary  
4690 | Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not  
4691 | significantly increased the percentage of students passing  
4692 | statewide, standardized assessments; has not significantly  
4693 | increased the percentage of students demonstrating Learning  
4694 | Gains, as defined in s. 1008.34 and as calculated under s.  
4695 | 1008.34(3)(b), who passed statewide, standardized assessments;  
4696 | or has significantly lower graduation rates for a subgroup when  
4697 | compared to the state's graduation rate. ~~The, that school's~~  
4698 | improvement plan of a school that meets the requirements of this  
4699 | paragraph shall include strategies for improving these results.  
4700 | The state board shall adopt rules establishing thresholds and

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4701 for determining compliance with this subparagraph.

4702 ~~2. A school that includes any of grades 6, 7, or 8 shall~~  
4703 ~~include annually in its school improvement plan information and~~  
4704 ~~data on the school's early warning system required under~~  
4705 ~~paragraph (b), including a list of the early warning indicators~~  
4706 ~~used in the system, the number of students identified by the~~  
4707 ~~system as exhibiting two or more early warning indicators, the~~  
4708 ~~number of students by grade level that exhibit each early~~  
4709 ~~warning indicator, and a description of all intervention~~  
4710 ~~strategies employed by the school to improve the academic~~  
4711 ~~performance of students identified by the early warning system.~~  
4712 ~~In addition, a school that includes any of grades 6, 7, or 8~~  
4713 ~~shall describe in its school improvement plan the strategies~~  
4714 ~~used by the school to implement the instructional practices for~~  
4715 ~~middle grades emphasized by the district's professional~~  
4716 ~~development system pursuant to s. 1012.98(4)(b)9.~~

4717 (b) *Early warning system.*—

4718 1. A school that serves any students in kindergarten  
4719 through grade ~~includes any of grades 6, 7, or 8~~ shall implement  
4720 an early warning system to identify students in such grades ~~6,~~  
4721 ~~7, and 8~~ who need additional support to improve academic  
4722 performance and stay engaged in school. The early warning system  
4723 must include the following early warning indicators:

4724 a. Attendance below 90 percent, regardless of whether  
4725 absence is excused or a result of out-of-school suspension.



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4726           b. One or more suspensions, whether in school or out of  
 4727 school.  
 4728           c. Course failure in English Language Arts or mathematics  
 4729 during any grading period.  
 4730           d. A Level 1 score on the statewide, standardized  
 4731 assessments in English Language Arts or mathematics or, for  
 4732 students in kindergarten through grade 3, a substantial reading  
 4733 deficiency under s. 1008.25(5)(a).  
 4734  
 4735 A school district may identify additional early warning  
 4736 indicators for use in a school's early warning system. The  
 4737 system must include data on the number of students identified by  
 4738 the system as exhibiting two or more early warning indicators,  
 4739 the number of students by grade level who exhibit each early  
 4740 warning indicator, and a description of all intervention  
 4741 strategies employed by the school to improve the academic  
 4742 performance of students identified by the early warning system.  
 4743           2. A school-based team responsible for implementing the  
 4744 requirements of this paragraph shall monitor the data from the  
 4745 early warning system. The team may include a school  
 4746 psychologist. When a student exhibits two or more early warning  
 4747 indicators, the team, in consultation with the student's parent,  
 4748 shall school's child study team under s. 1003.02 or a school-  
 4749 based team formed for the purpose of implementing the  
 4750 requirements of this paragraph shall convene to determine

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4751 appropriate intervention strategies for the student unless the  
 4752 student is already being served by an intervention program at  
 4753 the direction of a school-based, multidisciplinary team. Data  
 4754 and information relating to a student's early warning indicators  
 4755 must be used to inform any intervention strategies provided to  
 4756 the student ~~The school shall provide at least 10 days' written~~  
 4757 ~~notice of the meeting to the student's parent, indicating the~~  
 4758 ~~meeting's purpose, time, and location, and provide the parent~~  
 4759 ~~the opportunity to participate.~~

4760 (21) EDUCATIONAL AUTHORITY TO DECLARE AN EMERGENCY. ~~May~~  
 4761 ~~declare an emergency in cases in which one or more schools in~~  
 4762 ~~the district are failing or are in danger of failing and~~  
 4763 Negotiate special provisions of its contract with the  
 4764 appropriate bargaining units to free ~~these~~ schools with a school  
 4765 grade of "D" or "F" from contract restrictions that limit the  
 4766 school's ability to implement programs and strategies needed to  
 4767 improve student performance. The negotiations shall result in a  
 4768 memorandum of understanding that addresses the selection,  
 4769 placement, and expectations of instructional personnel and  
 4770 provides principals with the autonomy described in s.  
 4771 1012.28(8). For purposes of this subsection, an educational  
 4772 emergency exists in a school district if one or more schools in  
 4773 the district have a school grade of "D" or "F."

4774 (24) EMPLOYMENT CONTRACTS.—

4775 (a) If a school district enters into a contract or

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4776 employment agreement, or renewal or renegotiation of an existing  
 4777 contract or employment agreement, with an officer, agent,  
 4778 employee, or contractor which contains a provision for severance  
 4779 pay, the contract or employment agreement must include the  
 4780 provisions of s. 215.425.

4781 (b) A district school board may not award an annual  
 4782 contract on the basis of any contingency or condition not  
 4783 expressly authorized in law by the Legislature or alter or limit  
 4784 its authority to award or not award an annual contract as  
 4785 provided in s. 1012.335. This paragraph applies only to a  
 4786 collective bargaining agreement entered into or renewed by a  
 4787 district school board on or after the effective date of this  
 4788 act.

4789 Section 39. Section 1001.4205, Florida Statutes, is  
 4790 created to read:

4791 1001.4205 Visitation of schools by an individual school  
 4792 board or charter school governing board member.—An individual  
 4793 member of a district school board may, on any day and at any  
 4794 time at his or her pleasure, visit any district school in his or  
 4795 her school district. An individual charter school governing  
 4796 board member may, on any day and at any time at his or her  
 4797 pleasure, visit any charter school governed by the charter  
 4798 school's governing board. The board member must sign in and sign  
 4799 out at the school's main office and wear his or her board  
 4800 identification badge at all times while present on school

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4801 premises. The board, the school, or any other person or entity,  
 4802 including, but not limited to, the principal of the school, the  
 4803 school superintendent, or any other board member, may not  
 4804 require the visiting board member to provide notice before  
 4805 visiting the school. The school may offer, but may not require,  
 4806 an escort to accompany a visiting board member during the visit.  
 4807 Another board member or a district employee, including, but not  
 4808 limited to, the superintendent, the school principal, or his or  
 4809 her designee, may not limit the duration or scope of the visit  
 4810 or direct a visiting board member to leave the premises. A  
 4811 board, district, or school administrative policy or practice may  
 4812 not prohibit or limit the authority granted to a board member  
 4813 under this section.

4814 Section 40. The Division of Law Revision and Information  
 4815 is directed to replace the phrase "the effective date of this  
 4816 act" wherever it occurs in this act with the date the act  
 4817 becomes a law.

4818 Section 41. Subsections (3), (4), and (5) of section  
 4819 1008.33, Florida Statutes, are amended to read:

4820 1008.33 Authority to enforce public school improvement.—

4821 (3) (a) The academic performance of all students has a  
 4822 significant effect on the state school system. Pursuant to Art.  
 4823 IX of the State Constitution, which prescribes the duty of the  
 4824 State Board of Education to supervise Florida's public school  
 4825 system, the state board shall equitably enforce the

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4826 | accountability requirements of the state school system and may  
 4827 | impose state requirements on school districts in order to  
 4828 | improve the academic performance of all districts, schools, and  
 4829 | students based upon the provisions of the Florida K-20 Education  
 4830 | Code, chapters 1000-1013; the federal ESEA and its implementing  
 4831 | regulations; and the ESEA flexibility waiver approved for  
 4832 | Florida by the United States Secretary of Education.

4833 |       (b) ~~Beginning with the 2011-2012 school year,~~ The  
 4834 | Department of Education shall annually identify each public  
 4835 | school in need of intervention and support to improve student  
 4836 | academic performance. All schools earning a grade of "D" or "F"  
 4837 | pursuant to s. 1008.34 are schools in need of intervention and  
 4838 | support.

4839 |       (c) The state board shall adopt by rule a differentiated  
 4840 | matrix of intervention and support strategies for assisting  
 4841 | traditional public schools identified under this section and  
 4842 | rules for implementing s. 1002.33(9)(n), relating to charter  
 4843 | schools. The intervention and support strategies must address  
 4844 | student performance and may include improvement planning;i;~~r~~  
 4845 | leadership quality improvement;i;~~r~~ educator quality improvement;i;~~r~~  
 4846 | professional development;i;~~r~~ curriculum review, alignment and  
 4847 | pacing, and alignment across grade levels to improve background  
 4848 | knowledge in social studies, science, and the arts; and the use  
 4849 | of continuous improvement and monitoring plans and processes. In  
 4850 | addition, the state board may prescribe reporting requirements

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4851 to review and monitor the progress of the schools. The rule must  
 4852 define the intervention and support strategies for school  
 4853 improvement for schools earning a grade of "D" or "F" and the  
 4854 roles for the district and department. ~~The rule shall~~  
 4855 ~~differentiate among schools earning consecutive grades of "D" or~~  
 4856 ~~"F," or a combination thereof, and provide for more intense~~  
 4857 ~~monitoring, intervention, and support strategies for these~~  
 4858 ~~schools.~~

4859 (4) (a) The state board shall apply intensive ~~the most~~  
 4860 ~~intense~~ intervention and support strategies tailored to the  
 4861 needs of ~~to~~ schools earning two consecutive grades of "D" or a  
 4862 grade of "F." In the first full school year after a school  
 4863 initially earns two consecutive grades of "D" or a grade of "F,"  
 4864 the school district must immediately implement intervention and  
 4865 support strategies prescribed in rule under paragraph (3) (c)  
 4866 and, by September 1, provide, ~~select a turnaround option from~~  
 4867 ~~those provided in subparagraphs (b)1.-5., and submit a plan for~~  
 4868 ~~implementing the turnaround option to the department~~ with the  
 4869 memorandum of understanding negotiated pursuant to s.  
 4870 1001.42(21) and, by October 1, a district-managed turnaround  
 4871 plan for approval by the state board. Upon approval by the state  
 4872 board, the school district must implement the plan for the  
 4873 remainder of the school year and continue the plan for 1 full  
 4874 school year. The state board may allow a school an additional  
 4875 year of implementation before the school must implement a

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4876 turnaround option required under paragraph (b) if it determines  
 4877 that the school is likely to improve to a grade of "C" or higher  
 4878 after the first full school year of implementation ~~for approval~~  
 4879 ~~by the state board. Upon approval by the state board, the~~  
 4880 ~~turnaround option must be implemented in the following school~~  
 4881 ~~year.~~

4882 (b) Unless an additional year of implementation is  
 4883 provided pursuant to paragraph (a), ~~The turnaround options~~  
 4884 ~~available to a school district to address a school that earns~~  
 4885 three consecutive grades below a "C" must implement one of the  
 4886 following a grade of "F" are:

4887 ~~1. Convert the school to a district-managed turnaround~~  
 4888 ~~school;~~

4889 ~~1.2.~~ Reassign students to another school and monitor the  
 4890 progress of each reassigned student;

4891 ~~2.3.~~ Close the school and reopen the school as one or more  
 4892 charter schools, each with a governing board that has a  
 4893 demonstrated record of effectiveness; or

4894 ~~3.4.~~ Contract with an outside entity that has a  
 4895 demonstrated record of effectiveness to operate the school. An  
 4896 outside entity may include a district-managed charter school in  
 4897 which all instructional personnel are not employees of the  
 4898 school district, but are employees of an independent governing  
 4899 board composed of members who did not participate in the review  
 4900 or approval of the charter; ~~or~~

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4901 ~~5. Implement a hybrid of turnaround options set forth in~~  
4902 ~~subparagraphs 1. 4. or other turnaround models that have a~~  
4903 ~~demonstrated record of effectiveness.~~

4904 (c) ~~A school earning a grade of "F" shall have a planning~~  
4905 ~~year followed by 2 full school years to implement the initial~~  
4906 ~~turnaround option selected by the school district and approved~~  
4907 ~~by the state board. Implementation of the turnaround option is~~  
4908 ~~no longer required if the school improves to a grade of "C" or~~  
4909 ~~higher by at least one letter grade.~~

4910 (d) ~~A school earning a grade of "F" that improves its~~  
4911 ~~letter grade must continue to implement strategies identified in~~  
4912 ~~its school improvement plan pursuant to s. 1001.42(18)(a). The~~  
4913 ~~department must annually review implementation of the school~~  
4914 ~~improvement plan for 3 years to monitor the school's continued~~  
4915 ~~improvement.~~

4916 (d)(e) If a school earning two consecutive grades of "D"  
4917 or a grade of "F" does not improve to a grade of "C" or higher  
4918 ~~by at least one letter grade~~ after 2 full school years of  
4919 implementing the turnaround option selected by the school  
4920 district under paragraph (b), the school district must implement  
4921 ~~select a different option and submit~~ another turnaround option  
4922 ~~implementation plan to the department for approval by the state~~  
4923 ~~board. Implementation of the turnaround option ~~approved plan~~~~  
4924 must begin the school year following the implementation period  
4925 of the existing turnaround option, unless the state board



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4926 determines that the school is likely to improve to a grade of  
 4927 "C" or higher ~~a letter grade~~ if additional time is provided to  
 4928 implement the existing turnaround option.

4929 ~~(5) A school that earns a grade of "D" for 3 consecutive~~  
 4930 ~~years must implement the district-managed turnaround option~~  
 4931 ~~pursuant to subparagraph (4)(b)1. The school district must~~  
 4932 ~~submit an implementation plan to the department for approval by~~  
 4933 ~~the state board.~~

4934 Section 42. Subsection (5) and paragraph (d) of subsection  
 4935 (6) of section 1008.345, Florida Statutes, are amended to read:

4936 1008.345 Implementation of state system of school  
 4937 improvement and education accountability.—

4938 (5) The commissioner shall annually report to the State  
 4939 Board of Education and the Legislature and recommend changes in  
 4940 state policy necessary to foster school improvement and  
 4941 education accountability. The report shall include:

4942 (a) For each school district:

4943 1. The percentage of students, by school and grade level,  
 4944 demonstrating learning growth in English Language Arts and  
 4945 mathematics.

4946 2. The percentage of students, by school and grade level,  
 4947 in both the highest and lowest quartiles demonstrating learning  
 4948 growth in English Language Arts and mathematics.

4949 3. The information contained in the school district's  
 4950 annual report required pursuant to s. 1008.25(8).

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4951 (b) Intervention and support strategies used by school  
 4952 districts ~~boards~~ whose students in both the highest and lowest  
 4953 quartiles exceed the statewide average learning growth for  
 4954 students in those quartiles.

4955 (c) Intervention and support strategies used by school  
 4956 districts ~~boards~~ whose schools provide educational services to  
 4957 youth in Department of Juvenile Justice programs that  
 4958 demonstrate learning growth in English Language Arts and  
 4959 mathematics that exceeds the statewide average learning growth  
 4960 for students in those subjects.

4961 (d) Based upon a review of each school district's reading  
 4962 plan submitted pursuant to s. 1011.62(9), intervention and  
 4963 support strategies used by school districts that were effective  
 4964 in improving the reading performance of students, as indicated  
 4965 by student performance data, who are identified as having a  
 4966 substantial reading deficiency pursuant to s. 1008.25(5)(a).

4967  
 4968 School reports shall be distributed pursuant to this subsection  
 4969 and s. 1001.42(18)(c) and according to rules adopted by the  
 4970 State Board of Education.

4971 (6)

4972 (d) The commissioner shall assign a community assessment  
 4973 team to each school district or governing board with a school  
 4974 that earned a grade of "D" or "F" ~~or three consecutive grades of~~  
 4975 "D" pursuant to s. 1008.34 to review the school performance data

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4976 and determine causes for the low performance, including the role  
 4977 of school, area, and district administrative personnel. The  
 4978 community assessment team shall review a high school's  
 4979 graduation rate calculated without high school equivalency  
 4980 diploma recipients for the past 3 years, disaggregated by  
 4981 student ethnicity. The team shall make recommendations to the  
 4982 school board or the governing board and to the State Board of  
 4983 Education based on the interventions and support strategies  
 4984 identified pursuant to subsection (5) to ~~which~~ address the  
 4985 causes of the school's low performance and to incorporate the  
 4986 strategies and may be incorporated into the school improvement  
 4987 plan. The assessment team shall include, but not be limited to,  
 4988 a department representative, parents, business representatives,  
 4989 educators, representatives of local governments, and community  
 4990 activists, and shall represent the demographics of the community  
 4991 from which they are appointed.

4992 Section 43. Effective upon this act becoming a law,  
 4993 section 1002.333, Florida Statutes, is created to read:

4994 1002.333 Persistently low-performing schools.—

4995 (1) DEFINITIONS.—As used in this section, the term:

4996 (a) "Hope operator" means an entity identified by the  
 4997 department pursuant to subsection (2).

4998 (b) "Persistently low-performing school" means a school  
 4999 that has earned three consecutive grades lower than a "C,"  
 5000 pursuant to s. 1008.34, and a school that was closed pursuant to

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5001 s. 1008.33(4) within 2 years after the submission of a notice of  
 5002 intent.

5003 (c) "School of hope" means:

5004 1. A charter school operated by a hope operator which  
 5005 serves students from one or more persistently low-performing  
 5006 schools; is located in the attendance zone of a persistently  
 5007 low-performing school or within a 5-mile radius of such school,  
 5008 whichever is greater; and is a Title I eligible school; or

5009 2. A school operated by a hope operator pursuant to s.  
 5010 1008.33(4)(b)3.

5011 (2) HOPE OPERATOR.—A hope operator is a nonprofit  
 5012 organization with tax exempt status under s. 501(c)(3) of the  
 5013 Internal Revenue Code that operates three or more charter  
 5014 schools that serve students in grades K-12 in Florida or other  
 5015 states with a record of serving students from low-income  
 5016 families and is designated by the State Board of Education as a  
 5017 hope operator based on a determination that:

5018 (a) The past performance of the hope operator meets or  
 5019 exceeds the following criteria:

5020 1. The achievement of enrolled students exceeds the  
 5021 district and state averages of the states in which the  
 5022 operator's schools operate;

5023 2. The average college attendance rate at all schools  
 5024 currently operated by the operator exceeds 80 percent, if such  
 5025 data is available;

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5026 3. The percentage of students eligible for a free or  
 5027 reduced price lunch under the National School Lunch Act enrolled  
 5028 at all schools currently operated by the operator exceeds 70  
 5029 percent;

5030 4. The operator is in good standing with the authorizer in  
 5031 each state in which it operates;

5032 5. The audited financial statements of the operator are  
 5033 free of material misstatements and going concern issues; and

5034 6. Other outcome measures as determined by the State Board  
 5035 of Education;

5036 (b) The operator was awarded a United States Department of  
 5037 Education Charter School Program grant for Replication and  
 5038 Expansion of High-Quality Charter Schools within the preceding 3  
 5039 years before applying to be a hope operator;

5040 (c) The operator receives funding through the National  
 5041 Fund of the Charter School Growth Fund to accelerate the growth  
 5042 of the nation's best charter schools; or

5043 (d) The operator is selected by a district school board in  
 5044 accordance with s. 1008.33.

5045  
 5046 An entity that meets the requirements of paragraph (b),  
 5047 paragraph (c), or paragraph (d) before the adoption by the state  
 5048 board of measurable criteria pursuant to paragraph (a) shall be  
 5049 designated as a hope operator. After the adoption of the  
 5050 measurable criteria, an entity, including a governing board that

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5051 operates a school established pursuant to s. 1008.33(4)(b)3.,  
5052 shall be designated as a hope operator if it meets the criteria  
5053 of paragraph (a).

5054 (3) DESIGNATION OF HOPE OPERATOR.—Initial status as a hope  
5055 operator is valid for 5 years from the opening of a school of  
5056 hope. If a hope operator seeks the renewal of its status, such  
5057 renewal shall solely be based upon the academic and financial  
5058 performance of all schools established by the operator in the  
5059 state since its initial designation.

5060 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator  
5061 seeking to open a school of hope must submit a notice of intent  
5062 to the school district in which a persistently low-performing  
5063 school has been identified by the State Board of Education  
5064 pursuant to subsection (10).

5065 (a) The notice of intent must include:

5066 1. An academic focus and plan.

5067 2. A financial plan.

5068 3. Goals and objectives for increasing student achievement  
5069 for the students from low-income families.

5070 4. A completed or planned community outreach plan.

5071 5. The organizational history of success in working with  
5072 students with similar demographics.

5073 6. The grade levels to be served and enrollment  
5074 projections.

5075 7. The proposed location or geographic area proposed for

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5076 | the school and its proximity to the persistently low-performing  
 5077 | school.

5078 | 8. A staffing plan.

5079 | (b) Notwithstanding the requirements of s. 1002.33, a  
 5080 | school district shall enter into a performance-based agreement  
 5081 | with a hope operator to open schools to serve students from  
 5082 | persistently low-performing schools.

5083 | (5) PERFORMANCE-BASED AGREEMENT.—The following shall  
 5084 | comprise the entirety of the performance-based agreement:

5085 | (a) The notice of intent, which is incorporated by  
 5086 | reference and attached to the agreement.

5087 | (b) The location or geographic area proposed for the  
 5088 | school of hope and its proximity to the persistently low-  
 5089 | performing school.

5090 | (c) An enumeration of the grades to be served in each year  
 5091 | of the agreement and whether the school will serve children in  
 5092 | the school readiness or prekindergarten programs.

5093 | (d) A plan of action and specific milestones for student  
 5094 | recruitment and the enrollment of students from persistently  
 5095 | low-performing schools, including enrollment preferences and  
 5096 | procedures for conducting transparent admissions lotteries that  
 5097 | are open to the public. Students from persistently low-  
 5098 | performing schools shall be exempt from any enrollment lottery  
 5099 | to the extent permitted by federal grant requirements.

5100 | (e) A delineation of the current incoming baseline

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5101 standard of student academic achievement, the outcomes to be  
 5102 achieved, and the method of measurement that will be used.

5103 (f) A description of the methods of involving parents and  
 5104 expected levels for such involvement.

5105 (g) The grounds for termination, including failure to meet  
 5106 the requirements for student performance established pursuant to  
 5107 paragraph (e), generally accepted standards of fiscal  
 5108 management, or material violation of terms of the agreement. The  
 5109 nonrenewal or termination of a performance-based agreement must  
 5110 comply with the requirements of s. 1002.33(8).

5111 (h) A provision allowing the hope operator to open  
 5112 additional schools to serve students enrolled in or zoned for a  
 5113 persistently low-performing school if the hope operator  
 5114 maintains its status under subsection (3).

5115 (i) A provision establishing the initial term as 5 years.  
 5116 The agreement shall be renewed, upon the request of the hope  
 5117 operator, unless the school fails to meet the requirements for  
 5118 student performance established pursuant to paragraph (e) or  
 5119 generally accepted standards of fiscal management or the school  
 5120 of hope materially violates the law or the terms of the  
 5121 agreement.

5122 (j) A requirement to provide transportation consistent  
 5123 with the requirements of ss. 1006.21-1006.27 and s. 1012.45. The  
 5124 governing body of the school of hope may provide transportation  
 5125 through an agreement or contract with the district school board,



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5126 | a private provider, or parents of enrolled students.  
 5127 | Transportation may not be a barrier to equal access for all  
 5128 | students residing within reasonable distance of the school.  
 5129 | (k) A requirement that any arrangement entered into to  
 5130 | borrow or otherwise secure funds for the school of hope from a  
 5131 | source other than the state or a school district shall indemnify  
 5132 | the state and the school district from any and all liability,  
 5133 | including, but not limited to, financial responsibility for the  
 5134 | payment of the principal or interest.  
 5135 | (l) A provision that any loans, bonds, or other financial  
 5136 | agreements are not obligations of the state or the school  
 5137 | district but are obligations of the school of hope and are  
 5138 | payable solely from the sources of funds pledged by such  
 5139 | agreement.  
 5140 | (m) A prohibition on the pledge of credit or taxing power  
 5141 | of the state or the school district.  
 5142 | (6) STATUTORY AUTHORITY.—  
 5143 | (a) A school of hope may be designated as a local  
 5144 | education agency, if requested, for the purposes of receiving  
 5145 | federal funds and, in doing so, accepts the full responsibility  
 5146 | for all local education agency requirements and the schools for  
 5147 | which it will perform local education agency responsibilities.  
 5148 | Students enrolled in a school established by a hope operator  
 5149 | designated as a local educational agency are not eligible  
 5150 | students for purposes of calculating the district grade pursuant

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5151 | to s. 1008.34(5).

5152 | (b) For the purposes of tort liability, the hope operator,  
5153 | the school of hope, and its employees or agents shall be  
5154 | governed by s. 768.28. The sponsor shall not be liable for civil  
5155 | damages under state law for the employment actions or personal  
5156 | injury, property damage, or death resulting from an act or  
5157 | omission of a hope operator, the school of hope, or its  
5158 | employees or agents. This paragraph does not include any for-  
5159 | profit entity contracted by the charter school or its governing  
5160 | body.

5161 | (c) A school of hope may be either a private or a public  
5162 | employer. As a public employer, the school of hope may  
5163 | participate in the Florida Retirement System upon application  
5164 | and approval as a covered group under s. 121.021(34). If a  
5165 | school of hope participates in the Florida Retirement System,  
5166 | the school of hope's employees shall be compulsory members of  
5167 | the Florida Retirement System.

5168 | (d) A hope operator may employ school administrators and  
5169 | instructional personnel who do not meet the requirements of s.  
5170 | 1012.56 if the school administrators and instructional personnel  
5171 | are not ineligible for such employment under s. 1012.315.

5172 | (e) Compliance with s. 1003.03 shall be calculated as the  
5173 | average at the school level.

5174 | (f) Schools of hope operated by a hope operator shall be  
5175 | exempt from chapters 1000-1013 and all school board policies.

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5176 | However, a hope operator shall be in compliance with the laws in  
 5177 | chapters 1000-1013 relating to:  
 5178 |     1. The student assessment program and school grading  
 5179 | system.  
 5180 |     2. Student progression and graduation.  
 5181 |     3. The provision of services to students with  
 5182 | disabilities.  
 5183 |     4. Civil rights, including s. 1000.05, relating to  
 5184 | discrimination.  
 5185 |     5. Student health, safety, and welfare.  
 5186 |     6. Public meetings and records, public inspection, and  
 5187 | criminal and civil penalties pursuant to s. 286.011. The  
 5188 | governing board of a school of hope must hold at least two  
 5189 | public meetings per school year in the school district in which  
 5190 | the school of hope is located. Any other meetings of the  
 5191 | governing board may be held in accordance with s. 120.54(5)(b)2.  
 5192 |     7. Public records pursuant to chapter 119.  
 5193 |     8. The code of ethics for public officers and employees  
 5194 | pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).  
 5195 |     (g) Each school of hope shall report its students to the  
 5196 | school district as required in s. 1011.62, and in accordance  
 5197 | with the definitions in s. 1011.61. The school district shall  
 5198 | include each charter school's enrollment in the district's  
 5199 | report of student enrollment. All charter schools submitting  
 5200 | student record information required by the department shall

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5201 comply with the department's guidelines for electronic data  
 5202 formats for such data, and all districts shall accept electronic  
 5203 data that complies with the department's electronic format.

5204 (h) A school of hope shall provide the school district  
 5205 with a concise, uniform, quarterly financial statement summary  
 5206 sheet that contains a balance sheet and a statement of revenue,  
 5207 expenditures, and changes in fund balance. The balance sheet and  
 5208 the statement of revenue, expenditures, and changes in fund  
 5209 balance shall be in the governmental fund format prescribed by  
 5210 the Governmental Accounting Standards Board. Additionally, a  
 5211 school of hope shall comply with the annual audit requirement  
 5212 for charter schools in s. 218.39.

5213 (7) FACILITIES.—

5214 (a) A school of hope shall use facilities that comply with  
 5215 the Florida Building Code, except for the State Requirements for  
 5216 Educational Facilities. A school of hope that uses school  
 5217 district facilities must comply with the State Requirements for  
 5218 Educational Facilities only if the school district and the hope  
 5219 operator have entered into a mutual management plan for the  
 5220 reasonable maintenance of such facilities. The mutual management  
 5221 plan shall contain a provision by which the district school  
 5222 board agrees to maintain the school facilities in the same  
 5223 manner as its other public schools within the district. The  
 5224 local governing authority shall not adopt or impose any local  
 5225 building requirements or site-development restrictions, such as

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5226 parking and site-size criteria, student enrollment, and occupant  
 5227 load, that are addressed by and more stringent than those found  
 5228 in the State Requirements for Educational Facilities of the  
 5229 Florida Building Code. A local governing authority must treat  
 5230 schools of hope equitably in comparison to similar requirements,  
 5231 restrictions, and site planning processes imposed upon public  
 5232 schools. The agency having jurisdiction for inspection of a  
 5233 facility and issuance of a certificate of occupancy or use shall  
 5234 be the local municipality or, if in an unincorporated area, the  
 5235 county governing authority. If an official or employee of the  
 5236 local governing authority refuses to comply with this paragraph,  
 5237 the aggrieved school or entity has an immediate right to bring  
 5238 an action in circuit court to enforce its rights by injunction.  
 5239 An aggrieved party that receives injunctive relief may be  
 5240 awarded reasonable attorney fees and court costs.

5241 (b) Any facility, or portion thereof, used to house a  
 5242 school of hope shall be exempt from ad valorem taxes pursuant to  
 5243 s. 196.1983. Library, community service, museum, performing  
 5244 arts, theatre, cinema, church, Florida College System  
 5245 institution, college, and university facilities may provide  
 5246 space to schools of hope within their facilities under their  
 5247 preexisting zoning and land use designations without obtaining a  
 5248 special exception, rezoning, or a land use change.

5249 (c) School of hope facilities are exempt from assessments  
 5250 of fees for building permits, except as provided in s. 553.80;

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5251 fees for building and occupational licenses; impact fees or  
5252 exactions; service availability fees; and assessments for  
5253 special benefits.

5254 (d) No later than October 1, each school district shall  
5255 annually provide to the Department of Education a list of all  
5256 underused, vacant, or surplus facilities owned or operated by  
5257 the school district. A hope operator establishing a school of  
5258 hope may use an educational facility identified in this  
5259 paragraph at no cost or at a mutually agreeable cost not to  
5260 exceed \$600 per student. A hope operator using a facility  
5261 pursuant to this paragraph may not sell or dispose of such  
5262 facility without the written permission of the school district.  
5263 For purposes of this paragraph, the term "underused, vacant, or  
5264 surplus facility" means an entire facility or portion thereof  
5265 which is not fully used or is used irregularly or intermittently  
5266 by the school district for instructional or program use.

5267 (8) NONCOMPLIANCE.—A school district that does not enter  
5268 into a performance-based agreement within 60 days after receipt  
5269 of a notice of intent shall reduce the administrative fees  
5270 withheld pursuant to s. 1002.33(20) to 1 percent for all charter  
5271 schools operating in the school district. Upon execution of the  
5272 performance-based agreement, the school district may resume  
5273 withholding the full amount of administrative fees, but may not  
5274 recover any fees that would have otherwise accrued during the  
5275 period of noncompliance. Any charter school that had

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5276 administrative fees withheld in violation of this subsection may  
 5277 recover attorney fees and costs to enforce the requirements of  
 5278 this subsection. A school district subject to the requirements  
 5279 of this section shall file a monthly report detailing the  
 5280 reduction in the amount of administrative fees withheld.

5281 (9) FUNDING.—

5282 (a) Schools of hope shall be funded in accordance with s.  
 5283 1002.33(17).

5284 (b) Schools of hope shall receive priority in the  
 5285 department's Public Charter School Grant Program competitions.

5286 (c) Schools of hope shall be considered charter schools  
 5287 for purposes of s. 1013.62, except charter capital outlay may  
 5288 not be used to purchase real property or for the construction of  
 5289 school facilities.

5290 (d) Schools of hope are eligible to receive funds from the  
 5291 Schools of Hope Program.

5292 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
 5293 is created within the Department of Education.

5294 (a) A school of hope is eligible to receive funds from the  
 5295 Schools of Hope Program for the following expenditures:

5296 1. Preparing teachers, school leaders, and specialized  
 5297 instructional support personnel, including costs associated  
 5298 with:

5299 a. Providing professional development.

5300 b. Hiring and compensating teachers, school leaders, and

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5301 specialized instructional support personnel for services beyond  
5302 the school day and year.

5303 2. Acquiring supplies, training, equipment, and  
5304 educational materials, including developing and acquiring  
5305 instructional materials.

5306 3. Providing one-time startup costs associated with  
5307 providing transportation to students to and from the charter  
5308 school.

5309 4. Carrying out community engagement activities, which may  
5310 include paying the cost of student and staff recruitment.

5311 5. Providing funds to cover the nonvoted ad valorem  
5312 millage that would otherwise be required for schools and the  
5313 required local effort funds calculated pursuant to s. 1011.62  
5314 when the state board enters into an agreement with a hope  
5315 operator pursuant to subsection (5).

5316 (b) A traditional public school that is required to submit  
5317 a plan for implementation pursuant to s. 1008.33(4) is eligible  
5318 to receive up to \$2,000 per full-time equivalent student from  
5319 the Schools of Hope Program based upon the strength of the  
5320 school's plan for implementation and its focus on evidence-based  
5321 interventions that lead to student success by providing wrap-  
5322 around services that leverage community assets, improve school  
5323 and community collaboration, and develop family and community  
5324 partnerships. Wrap-around services include, but are not limited  
5325 to, tutorial and after-school programs, student counseling,



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5326 nutrition education, parental counseling, and adult education.  
 5327 Plans for implementation may also include models that develop a  
 5328 culture of attending college, high academic expectations,  
 5329 character development, dress codes, and an extended school day  
 5330 and school year. At a minimum, a plan for implementation must:  
 5331 1. Establish wrap-around services that develop family and  
 5332 community partnerships.  
 5333 2. Establish clearly defined and measurable high academic  
 5334 and character standards.  
 5335 3. Increase parental involvement and engagement in the  
 5336 child's education.  
 5337 4. Describe how the school district will identify,  
 5338 recruit, retain, and reward instructional personnel. The state  
 5339 board may waive the requirements of s. 1012.22(1)(c)5., and  
 5340 suspend the requirements of s. 1012.34, to facilitate  
 5341 implementation of the plan.  
 5342 5. Identify a knowledge-rich curriculum that the school  
 5343 will use that focuses on developing a student's background  
 5344 knowledge.  
 5345 6. Provide professional development that focuses on  
 5346 academic rigor, direct instruction, and creating high academic  
 5347 and character standards.  
 5348 (c) The state board shall:  
 5349 1. Provide awards for up to 25 schools and prioritize  
 5350 awards for plans submitted pursuant to paragraph (b) that are

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5351 based on whole school transformation and that are developed in  
 5352 consultation with the school's principal.

5353 2. Annually report on the implementation of this  
 5354 subsection in the report required by s. 1008.345(5), and provide  
 5355 summarized academic performance reports of each traditional  
 5356 public school receiving funds.

5357 (11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—  
 5358 Pursuant to Art. IX of the State Constitution, which prescribes  
 5359 the duty of the State Board of Education to supervise the public  
 5360 school system, the State Board of Education shall:

5361 (a) Publish an annual list of persistently low-performing  
 5362 schools after the release of preliminary school grades.

5363 (b) Adopt a standard notice of intent and performance-  
 5364 based agreement that must be used by hope operators and district  
 5365 school boards to eliminate regulatory and bureaucratic barriers  
 5366 that delay access to high quality schools for students in  
 5367 persistently low-performing schools.

5368 (c) Resolve disputes between a hope operator and a school  
 5369 district arising from a performance-based agreement or a  
 5370 contract between a charter operator and a school district under  
 5371 the requirements of s. 1008.33. The Commissioner of Education  
 5372 shall appoint a special magistrate who is a member of The  
 5373 Florida Bar in good standing and who has at least 5 years'  
 5374 experience in administrative law. The special magistrate shall  
 5375 hold hearings to determine facts relating to the dispute and to

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5376 | render a recommended decision for resolution to the State Board  
 5377 | of Education. The recommendation may not alter in any way the  
 5378 | provisions of the performance-based agreement under subsection  
 5379 | (5). The special magistrate may administer oaths and issue  
 5380 | subpoenas on behalf of the parties to the dispute or on his or  
 5381 | her own behalf. Within 15 calendar days after the close of the  
 5382 | final hearing, the special magistrate shall transmit a  
 5383 | recommended decision to the State Board of Education and to the  
 5384 | representatives of both parties by registered mail, return  
 5385 | receipt requested. The State Board of Education must approve or  
 5386 | reject the recommended decision at its next regularly scheduled  
 5387 | meeting that is more than 7 calendar days and no more than 30  
 5388 | days after the date the recommended decision is transmitted. The  
 5389 | decision by the State Board of Education is a final agency  
 5390 | action that may be appealed to the District Court of Appeal,  
 5391 | First District in accordance with s. 120.68. A charter school  
 5392 | may recover attorney fees and costs if the State Board of  
 5393 | Education determines that the school district unlawfully  
 5394 | implemented or otherwise impeded implementation of the  
 5395 | performance-based agreement pursuant to this paragraph.

5396 | (d) Provide students in persistently low-performing  
 5397 | schools with a public school that meets accountability  
 5398 | standards. The State Board of Education may enter into a  
 5399 | performance-based agreement with a hope operator when a school  
 5400 | district has not improved the school after 3 years of the

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5401 interventions and support provided under s. 1008.33 or has not  
 5402 complied with the requirements of subsection (4). Upon the State  
 5403 Board of Education entering into a performance-based agreement  
 5404 with a hope operator, the school district shall transfer to the  
 5405 school of hope the proportionate share of state funds allocated  
 5406 from the Florida Education Finance Program.

5407 (12) RULES.—The State Board of Education shall adopt rules  
 5408 pursuant to ss. 120.536(1) and 120.54 to implement this section.

5409 Section 44. Section 1001.292, Florida Statutes, is created  
 5410 to read:

5411 1001.292 Schools of Hope Revolving Loan Program.—

5412 (1) The Schools of Hope Revolving Loan Program is  
 5413 established within the Department of Education to provide  
 5414 assistance to hope operators, as defined in s. 1002.333, to meet  
 5415 school building construction needs and pay for expenses related  
 5416 to the startup of a new charter school. The program shall  
 5417 consist of funds appropriated by the Legislature, money received  
 5418 from the repayment of loans made from the program, and interest  
 5419 earned.

5420 (2) Funds provided pursuant to this section may not exceed  
 5421 25 percent of the total cost of the project, which shall be  
 5422 calculated based on 80 percent of the cost per student station  
 5423 established by s. 1013.64(6)(b) multiplied by the capacity of  
 5424 the facility.

5425 (3) The department may contract with a third-party

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5426 administrator to administer the program. If the department  
 5427 contracts with a third-party administrator, funds shall be  
 5428 granted to the third-party administrator to create a revolving  
 5429 loan fund for the purpose of financing projects that meet the  
 5430 requirements of subsection (4). The third-party administrator  
 5431 shall report to the department annually. The department shall  
 5432 continue to administer the program until a third-party  
 5433 administrator is selected.

5434 (4) Hope operators that have been designated by the State  
 5435 Board of Education and have executed a performance-based  
 5436 agreement pursuant to s. 1002.333 shall be provided a loan of up  
 5437 to the amount provided in subsection (2) for projects that are  
 5438 located in the attendance area of a persistently low-performing  
 5439 school or within a 5-mile radius of such school and primarily  
 5440 serve students from the persistently low-performing school. A  
 5441 hope operator is not eligible for funding if it operates in  
 5442 facilities provided by the school district for a nominal fee, or  
 5443 at no charge, or if it is directly or indirectly operated by the  
 5444 school district.

5445 (5) The department shall post on its website the projects  
 5446 that have received loans, the geographic distribution of the  
 5447 projects, the status of the projects, the costs of the program,  
 5448 and student outcomes for students enrolled in the school of hope  
 5449 receiving funds.

5450 (6) All repayments of principal and interest shall be

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5451 returned to the loan fund and made available for loans to other  
 5452 applicants.

5453 (7) Interest on loans provided under this program may be  
 5454 used to defray the costs of administration and shall be the  
 5455 lower of:

5456 (a) The rate paid on moneys held in the fund; or

5457 (b) A rate equal to 50 percent of the rate authorized  
 5458 under the provisions of s. 215.84.

5459 (8) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
 5460 funds allocated for this purpose which are not disbursed by June  
 5461 30 of the fiscal year in which the funds are allocated may be  
 5462 carried forward for up to 5 years after the effective date of  
 5463 the original appropriation.

5464 Section 45. Subsection (5) is added to section 1011.69,  
 5465 Florida Statutes, to read:

5466 1011.69 Equity in School-Level Funding Act.—

5467 (5) After providing Title I, Part A, Basic funds to  
 5468 schools above the 75 percent poverty threshold, school districts  
 5469 shall provide any remaining Title I, Part A, Basic funds  
 5470 directly to all eligible schools as provided in this subsection.  
 5471 For purposes of this subsection, an eligible school is a school  
 5472 that is eligible to receive Title I funds, including a charter  
 5473 school. The threshold for identifying eligible schools may not  
 5474 exceed the threshold established by a school district for the  
 5475 2016-2017 school year or the statewide percentage of

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5476 economically disadvantaged students, as determined annually.  
 5477 (a) Prior to the allocation of Title I funds to eligible  
 5478 schools, a school district may withhold funds only as follows:  
 5479 1. One percent for parent involvement, in addition to the  
 5480 one percent the district must reserve under federal law for  
 5481 allocations to eligible schools for parent involvement;  
 5482 2. A necessary and reasonable amount for administration,  
 5483 which includes the district's indirect cost rate, not to exceed  
 5484 a total of 8 percent; and  
 5485 3. A reasonable and necessary amount to provide:  
 5486 a. Homeless programs;  
 5487 b. Delinquent and neglected programs;  
 5488 c. Prekindergarten programs and activities;  
 5489 d. Private school equitable services; and  
 5490 e. Transportation for foster care children to their school  
 5491 of origin or choice programs.  
 5492 (b) All remaining Title I funds shall be distributed to  
 5493 all eligible schools in accordance with federal law and  
 5494 regulation. An eligible school may use funds under this  
 5495 subsection to participate in discretionary educational services  
 5496 provided by the school district.  
 5497 Section 46. Subsections (3), (4), (5), and (8) of section  
 5498 1012.731, Florida Statutes, are amended to read:  
 5499 1012.731 The Florida Best and Brightest Teacher  
 5500 Scholarship Program.—

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5501 (3) (a) To be eligible for a scholarship in the amount of  
 5502 \$6,000, a classroom teacher must:

5503 1. Have achieved a composite score at or above the 80th  
 5504 percentile on either the SAT or the ACT based on the National  
 5505 Percentile Ranks in effect when the classroom teacher took the  
 5506 assessment and have been evaluated as highly effective pursuant  
 5507 to s. 1012.34 in the school year immediately preceding the year  
 5508 in which the scholarship will be awarded, unless the classroom  
 5509 teacher is newly hired by the district school board and has not  
 5510 been evaluated pursuant to s. 1012.34.

5511 2. Beginning with the 2020-2021 school year, have achieved  
 5512 a composite score at or above the 77th percentile or, if the  
 5513 classroom teacher graduated cum laude or higher with a  
 5514 baccalaureate degree, the 71st percentile on either the SAT,  
 5515 ACT, GRE, LSAT, GMAT, or MCAT based on the National Percentile  
 5516 Ranks in effect when the classroom teacher took the assessment;  
 5517 and have been evaluated as highly effective pursuant to s.  
 5518 1012.34, or have been evaluated as highly effective based on a  
 5519 commissioner-approved student learning growth formula pursuant  
 5520 to s. 1012.34(8), in the school year immediately preceding the  
 5521 year in which the scholarship will be awarded, unless the  
 5522 classroom teacher is newly hired by the district school board  
 5523 and has not been evaluated pursuant to s. 1012.34.

5524 (b) In order to demonstrate eligibility for an award, an  
 5525 eligible classroom teacher must submit to the school district,



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5526 no later than November 1, an official record of his or her  
 5527 qualifying assessment ~~SAT or ACT score~~ and, beginning with the  
 5528 2020-2021 school year, an official transcript demonstrating that  
 5529 he or she graduated cum laude or higher with a baccalaureate  
 5530 degree, if applicable ~~the classroom teacher scored at or above~~  
 5531 ~~the 80th percentile based on the National Percentile Ranks in~~  
 5532 ~~effect when the teacher took the assessment.~~ Once a classroom  
 5533 teacher is deemed eligible by the school district, ~~including~~  
 5534 ~~teachers deemed eligible in the 2015-2016 fiscal year,~~ the  
 5535 teacher shall remain eligible as long as he or she remains  
 5536 employed by the school district as a classroom teacher at the  
 5537 time of the award and receives an annual performance evaluation  
 5538 rating of highly effective pursuant to s. 1012.34 or is  
 5539 evaluated as highly effective based on a commissioner-approved  
 5540 student learning growth formula pursuant to s. 1012.34(8) for  
 5541 the 2019-2020 school year or thereafter.

5542 (c) Notwithstanding the requirements of this subsection,  
 5543 for the 2017-2018, 2018-2019, and 2019-2020 school years, any  
 5544 classroom teacher who:

5545 1. Was evaluated as highly effective pursuant to s.  
 5546 1012.34 in the school year immediately preceding the year in  
 5547 which the scholarship will be awarded shall receive a  
 5548 scholarship of \$1200, including a classroom teacher who received  
 5549 an award pursuant to paragraph (a).

5550 2. Was evaluated as effective pursuant to s. 1012.34 in

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5551 the school year immediately preceding the year in which the  
 5552 scholarship will be awarded a scholarship of up to \$800. If the  
 5553 number of eligible classroom teachers under this subparagraph  
 5554 exceeds the total allocation, the department shall prorate the  
 5555 per-teacher scholarship amount.

5556  
 5557 This paragraph expires July 1, 2020.

5558 (4) Annually, by December 1, each school district shall  
 5559 submit to the department:

5560 (a) The number of eligible classroom teachers who qualify  
 5561 for the scholarship.

5562 (b) The name and master school identification number  
 5563 (MSID) of each school in the district to which an eligible  
 5564 classroom teacher is assigned.

5565 (c) The name of the school principal of each eligible  
 5566 classroom teacher's school if he or she has served as the  
 5567 school's principal for at least 2 consecutive school years  
 5568 including the current school year.

5569 (5) Annually, by February 1, the department shall disburse  
 5570 scholarship funds to each school district for each eligible  
 5571 classroom teacher to receive a scholarship in accordance with  
 5572 this section ~~as provided in the General Appropriations Act. A~~  
 5573 ~~scholarship in the amount provided in the General Appropriations~~  
 5574 ~~Act shall be awarded to every eligible classroom teacher. If the~~  
 5575 ~~number of eligible classroom teachers exceeds the total~~

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5576 ~~appropriation authorized in the General Appropriations Act, the~~  
 5577 ~~department shall prorate the per-teacher scholarship amount.~~

5578 ~~(8) This section expires July 1, 2017.~~

5579 Section 47. Section 1012.732, Florida Statutes, is created  
 5580 to read:

5581 1012.732 The Florida Best and Brightest Principal  
 5582 Scholarship Program.—

5583 (1) The Legislature recognizes that the most effective  
 5584 school principals establish a safe and supportive school  
 5585 environment for students and faculty. Research shows that these  
 5586 principals increase student learning by providing opportunities  
 5587 for the professional growth, collaboration, and autonomy that  
 5588 classroom teachers need to become and remain highly effective  
 5589 educational professionals. As a result, these principals are  
 5590 able to recruit and retain more of the best classroom teachers  
 5591 and improve student outcomes at their schools, including schools  
 5592 servicing low-income and high-need student populations. Therefore,  
 5593 it is the intent of the Legislature to designate school  
 5594 principals whose school faculty has a high percentage of  
 5595 classroom teachers who are designated as Florida's best and  
 5596 brightest teacher scholars pursuant to s. 1012.731 as Florida's  
 5597 best and brightest principals.

5598 (2) There is created the Florida Best and Brightest  
 5599 Principal Scholarship Program to be administered by the  
 5600 Department of Education. The program shall provide categorical

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5601 funding for scholarships to be awarded to school principals, as  
 5602 defined in s. 1012.01(3)(c)1., who have recruited and retained a  
 5603 high percentage of best and brightest teachers.

5604 (3) A school principal identified pursuant to s.  
 5605 1012.731(4)(c) is eligible to receive a scholarship under this  
 5606 section if he or she has served as school principal at his or  
 5607 her school for at least 2 consecutive school years including the  
 5608 current school year and his or her school has a ratio of best  
 5609 and brightest teachers to other classroom teachers that is at  
 5610 the 80th percentile or higher for schools within the same grade  
 5611 group, statewide, including elementary schools, middle schools,  
 5612 high schools, and schools with a combination of grade levels.

5613 (4) Annually, by February 1, the department shall identify  
 5614 eligible school principals and disburse funds to each school  
 5615 district for each eligible school principal to receive a  
 5616 scholarship. A scholarship of \$5,000 must be awarded to every  
 5617 eligible school principal assigned to a Title I school and a  
 5618 scholarship of \$4,000 to every eligible school principal who is  
 5619 not assigned to a Title I school.

5620 (5) Annually, by April 1, each school district must award  
 5621 a scholarship to each eligible school principal.

5622 (6) A school district must provide a best and brightest  
 5623 principal with the additional authority and responsibilities  
 5624 provided in s. 1012.28(8) for a minimum of 2 years.

5625 (7) For purposes of this section, the term "school

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5626 | district" includes the Florida School for the Deaf and the Blind  
 5627 | and charter school governing boards.

5628 | Section 48. Paragraphs (i) and (j) of subsection (2) of  
 5629 | section 1002.385, Florida Statutes, are redesignated as  
 5630 | paragraphs (j) and (k), respectively, paragraph (d) of  
 5631 | subsection (2), subsection (5), paragraph (b) of subsection (6),  
 5632 | subsection (8), paragraphs (e) and (f) of subsection (11),  
 5633 | paragraph (j) of subsection (12), and paragraph (a) of  
 5634 | subsection (13) are amended, and a new paragraph (i) is added to  
 5635 | subsection (2) of that section, to read:

5636 | 1002.385 The Gardiner Scholarship.—

5637 | (2) DEFINITIONS.—As used in this section, the term:

5638 | (d) "Disability" means, for a 3- or 4-year-old child or  
 5639 | for a student in kindergarten to grade 12, autism spectrum  
 5640 | disorder, as defined in the Diagnostic and Statistical Manual of  
 5641 | Mental Disorders, Fifth Edition, published by the American  
 5642 | Psychiatric Association; cerebral palsy, as defined in s.  
 5643 | 393.063(6); Down syndrome, as defined in s. 393.063(15); an  
 5644 | intellectual disability, as defined in s. 393.063(24); Phelan-  
 5645 | McDermid syndrome, as defined in s. 393.063(28); Prader-Willi  
 5646 | syndrome, as defined in s. 393.063(29); spina bifida, as defined  
 5647 | in s. 393.063(40); being a high-risk child, as defined in s.  
 5648 | 393.063(23) (a); muscular dystrophy; and Williams syndrome or  
 5649 | identification as dual sensory impaired, as defined by rules of  
 5650 | the State Board of Education and evidenced by reports from the

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5651 local school district.

5652 (i) "Inactive" means that no eligible expenditures have  
 5653 been made from an account funded pursuant to paragraph (13)(d).

5654 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must  
 5655 be used to meet the individual educational needs of an eligible  
 5656 student and may be spent for the following purposes:

5657 (a) Instructional materials, including digital devices,  
 5658 digital periphery devices, and assistive technology devices that  
 5659 allow a student to access instruction or instructional content  
 5660 and training on the use of and maintenance agreements for these  
 5661 devices.

5662 (b) Curriculum as defined in paragraph (2)(b).

5663 (c) Specialized services by approved providers or by a  
 5664 hospital in this state that are selected by the parent. These  
 5665 specialized services may include, but are not limited to:

5666 1. Applied behavior analysis services as provided in ss.  
 5667 627.6686 and 641.31098.

5668 2. Services provided by speech-language pathologists as  
 5669 defined in s. 468.1125.

5670 3. Occupational therapy services as defined in s. 468.203.

5671 4. Services provided by physical therapists as defined in  
 5672 s. 486.021.

5673 5. Services provided by listening and spoken language  
 5674 specialists and an appropriate acoustical environment for a  
 5675 child who is deaf or hard of hearing and who has received an

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5676 | implant or assistive hearing device.

5677 |       (d) Enrollment in, or tuition or fees associated with  
 5678 | enrollment in, a home education program, an eligible private  
 5679 | school, an eligible postsecondary educational institution or a  
 5680 | program offered by the institution, a private tutoring program  
 5681 | authorized under s. 1002.43, a virtual program offered by a  
 5682 | department-approved private online provider that meets the  
 5683 | provider qualifications specified in s. 1002.45(2)(a), the  
 5684 | Florida Virtual School as a private paying student, or an  
 5685 | approved online course offered pursuant to s. 1003.499 or s.  
 5686 | 1004.0961.

5687 |       (e) Fees for nationally standardized, norm-referenced  
 5688 | achievement tests, Advanced Placement Examinations, industry  
 5689 | certification examinations, assessments related to postsecondary  
 5690 | education, or other assessments.

5691 |       (f) Contributions to the Stanley G. Tate Florida Prepaid  
 5692 | College Program pursuant to s. 1009.98 or the Florida College  
 5693 | Savings Program pursuant to s. 1009.981, for the benefit of the  
 5694 | eligible student.

5695 |       (g) Contracted services provided by a public school or  
 5696 | school district, including classes. A student who receives  
 5697 | services under a contract under this paragraph is not considered  
 5698 | enrolled in a public school for eligibility purposes as  
 5699 | specified in subsection (4).

5700 |       (h) Tuition and fees for part-time tutoring services

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5701 provided by a person who holds a valid Florida educator's  
 5702 certificate pursuant to s. 1012.56; a person who holds an  
 5703 adjunct teaching certificate pursuant to s. 1012.57; or a person  
 5704 who has demonstrated a mastery of subject area knowledge  
 5705 pursuant to s. 1012.56(5). As used in this paragraph, the term  
 5706 "part-time tutoring services" does not qualify as regular school  
 5707 attendance as defined in s. 1003.01(13)(e).

5708 (i) Fees for specialized summer education programs.

5709 (j) Fees for specialized after-school education programs.

5710 (k) Transition services provided by job coaches.

5711 (l) Fees for an annual evaluation of educational progress  
 5712 by a state-certified teacher under s. 1002.41(1)(c), if this  
 5713 option is chosen for a home education student.

5714 (m) Tuition and fees associated with programs offered by  
 5715 Voluntary Prekindergarten Education Program providers approved  
 5716 pursuant to s. 1002.55 and school readiness providers approved  
 5717 pursuant to s. 1002.88.

5718 (n) Fees for services provided at a center that is a  
 5719 member of the Professional Association of Therapeutic  
 5720 Horsemanship International.

5721 (o) Fees for services provided by a therapist who is  
 5722 certified by the Certification Board for Music Therapists or  
 5723 credentialed by the Art Therapy Credentials Board, Inc.

5724  
 5725 A provider of any services receiving payments pursuant to this



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5726 subsection may not share, refund, or rebate any moneys from the  
 5727 Gardiner Scholarship with the parent or participating student in  
 5728 any manner. A parent, student, or provider of any services may  
 5729 not bill an insurance company, Medicaid, or any other agency for  
 5730 the same services that are paid for using Gardiner Scholarship  
 5731 funds.

5732 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
 5733 educational choice and program integrity:

5734 (b)1. A student's scholarship account must be closed and  
 5735 any remaining funds, including, but not limited to,  
 5736 contributions made to the Stanley G. Tate Florida Prepaid  
 5737 College Program or earnings from or contributions made to the  
 5738 Florida College Savings Program using program funds pursuant to  
 5739 paragraph (5) (f), shall revert to the state after ~~upon~~:

5740 a. Denial or revocation of program eligibility by the  
 5741 commissioner for fraud or abuse, including, but not limited to,  
 5742 the student or student's parent accepting any payment, refund,  
 5743 or rebate, in any manner, from a provider of any services  
 5744 received pursuant to subsection (5); ~~or~~

5745 b. ~~After~~ Any period of 3 consecutive years after high  
 5746 school completion or graduation during which the student has not  
 5747 been enrolled in an eligible postsecondary educational  
 5748 institution or a program offered by the institution; or

5749 c. Three consecutive fiscal years in which an account has  
 5750 been inactive.

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5751           2. The commissioner must notify the parent and the  
5752 organization when a Gardiner Scholarship account is closed and  
5753 program funds revert to the state.

5754           (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
5755 eligible private school may be sectarian or nonsectarian and  
5756 shall:

5757           (a) Comply with all requirements for private schools  
5758 participating in state school choice scholarship programs  
5759 pursuant to s. 1002.421.

5760           (b) Provide to the organization, upon request, all  
5761 documentation required for the student's participation,  
5762 including the private school's and student's fee schedules.

5763           (c) Be academically accountable to the parent for meeting  
5764 the educational needs of the student by:

5765           1. At a minimum, annually providing to the parent a  
5766 written explanation of the student's progress.

5767           2. Annually administering or making provision for students  
5768 participating in the program in grades 3 through 10 to take one  
5769 of the nationally norm-referenced tests identified by the  
5770 Department of Education or the statewide assessments pursuant to  
5771 s. 1008.22. Students with disabilities for whom standardized  
5772 testing is not appropriate are exempt from this requirement. A  
5773 participating private school shall report a student's scores to  
5774 the parent.

5775           3. Cooperating with the scholarship student whose parent

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5776 chooses to have the student participate in the statewide  
 5777 assessments pursuant to s. 1008.22 or, if a private school  
 5778 chooses to offer the statewide assessments, administering the  
 5779 assessments at the school.

5780 a. A participating private school may choose to offer and  
 5781 administer the statewide assessments to all students who attend  
 5782 the private school in grades 3 through 10.

5783 b. A participating private school shall submit a request  
 5784 in writing to the Department of Education by March 1 of each  
 5785 year in order to administer the statewide assessments in the  
 5786 subsequent school year.

5787 (d) Employ or contract with teachers who have regular and  
 5788 direct contact with each student receiving a scholarship under  
 5789 this section at the school's physical location.

5790 (e) Provide a report from ~~Annually contract with~~ an  
 5791 independent certified public accountant who performs ~~to perform~~  
 5792 the agreed-upon procedures developed under s. 1002.395(6)(o) ~~and~~  
 5793 ~~produce a report of the results~~ if the private school receives  
 5794 more than \$250,000 in funds from scholarships awarded under this  
 5795 section in ~~the 2014-2015 state fiscal year or~~ a state fiscal  
 5796 year ~~thereafter~~. A private school subject to this paragraph must  
 5797 annually submit the report by September 15, ~~2015,~~ and ~~annually~~  
 5798 ~~thereafter~~ to the organization that awarded the majority of the  
 5799 school's scholarship funds. The agreed-upon procedures must be  
 5800 conducted in accordance with attestation standards established

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5801 by the American Institute of Certified Public Accountants.  
 5802  
 5803 If ~~The inability of~~ a private school is unable to meet the  
 5804 requirements of this subsection or has consecutive years of  
 5805 material exceptions listed in the report required under  
 5806 paragraph (e), the commissioner may determine that ~~constitutes a~~  
 5807 ~~basis for the ineligibility of~~ the private school is ineligible  
 5808 to participate in the program ~~as determined by the commissioner.~~

5809 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 5810 PARTICIPATION.—A parent who applies for program participation  
 5811 under this section is exercising his or her parental option to  
 5812 determine the appropriate placement or the services that best  
 5813 meet the needs of his or her child. The scholarship award for a  
 5814 student is based on a matrix that assigns the student to support  
 5815 Level III services. If a parent receives an IEP and a matrix of  
 5816 services from the school district pursuant to subsection (7),  
 5817 the amount of the payment shall be adjusted as needed, when the  
 5818 school district completes the matrix.

5819 (e) The parent must annually renew participation in the  
 5820 program. Notwithstanding any changes to the student's IEP, a  
 5821 student who was previously eligible for participation in the  
 5822 program shall remain eligible to apply for renewal. However, for  
 5823 a high-risk child to continue to participate in the program in  
 5824 the school year after he or she reaches 6 years of age, the  
 5825 child's application for renewal of program participation must

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5826 contain documentation that the child has a disability defined in  
 5827 paragraph (2) (d) other than high-risk status.

5828 (f) The parent is responsible for procuring the services  
 5829 necessary to educate the student. If a parent does not procure  
 5830 the necessary educational services for the student and the  
 5831 student's account has been inactive for 2 consecutive fiscal  
 5832 years, the student is ineligible for additional scholarship  
 5833 payments until the scholarship funding organization verifies  
 5834 that expenditures from the account have occurred. When the  
 5835 student receives a Gardiner Scholarship, the district school  
 5836 board is not obligated to provide the student with a free  
 5837 appropriate public education. For purposes of s. 1003.57 and the  
 5838 Individuals with Disabilities in Education Act, a participating  
 5839 student has only those rights that apply to all other  
 5840 unilaterally parentally placed students, except that, when  
 5841 requested by the parent, school district personnel must develop  
 5842 an individual education plan or matrix level of services.

5843  
 5844 A parent who fails to comply with this subsection forfeits the  
 5845 Gardiner Scholarship.

5846 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An  
 5847 organization may establish Gardiner Scholarships for eligible  
 5848 students by:

5849 (j) Documenting each scholarship student's eligibility for  
 5850 a fiscal year before granting a scholarship for that fiscal year

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5851 | pursuant to paragraph (3) (b). A student is ineligible for a  
 5852 | scholarship if the student's account has been inactive for 2  
 5853 | consecutive fiscal years. However, once an eligible expenditure  
 5854 | is made pursuant to paragraph (11) (f), the student is eligible  
 5855 | for a scholarship based on available funds.

5856 | (13) FUNDING AND PAYMENT.—

5857 | (a)1. The maximum funding amount granted for an eligible  
 5858 | student with a disability, pursuant to subsection (3), shall be  
 5859 | equivalent to the base student allocation in the Florida  
 5860 | Education Finance Program multiplied by the appropriate cost  
 5861 | factor for the educational program that ~~which~~ would have been  
 5862 | provided for the student in the district school to which he or  
 5863 | she would have been assigned, multiplied by the district cost  
 5864 | differential.

5865 | 2. In addition, an amount equivalent to a share of the  
 5866 | guaranteed allocation for exceptional students in the Florida  
 5867 | Education Finance Program shall be determined and added to the  
 5868 | amount in subparagraph 1. The calculation shall be based on the  
 5869 | methodology and the data used to calculate the guaranteed  
 5870 | allocation for exceptional students for each district in chapter  
 5871 | 2000-166, Laws of Florida. Except as provided in subparagraph  
 5872 | 3., the calculation shall be based on the student's grade, the  
 5873 | matrix level of services, and the difference between the 2000-  
 5874 | 2001 basic program and the appropriate level of services cost  
 5875 | factor, multiplied by the 2000-2001 base student allocation and

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5876 | the 2000-2001 district cost differential for the sending  
 5877 | district. The calculated amount must also include an amount  
 5878 | equivalent to the per-student share of supplemental academic  
 5879 | instruction funds, instructional materials funds, technology  
 5880 | funds, and other categorical funds as provided in the General  
 5881 | Appropriations Act.

5882 |       3. Beginning with the 2017-2018 fiscal year and each  
 5883 | fiscal year thereafter, the calculation for a new student  
 5884 | entering the program shall be based on the student's matrix  
 5885 | level of services. The funding for a student without a matrix of  
 5886 | services ~~Except as otherwise provided in subsection (7), the~~  
 5887 | ~~calculation for all students participating in the program shall~~  
 5888 | be based on the matrix that assigns the student to support Level  
 5889 | III of services. If a parent chooses to request and receive a  
 5890 | matrix of services from the school district, when the school  
 5891 | district completes the matrix, the amount of the payment shall  
 5892 | be adjusted as needed.

5893 |       Section 49. Subsection (6) is added to section 1003.455,  
 5894 | Florida Statutes, to read:

5895 |       1003.455 Physical education; assessment.—

5896 |       (6) In addition to the requirements in subsection (3),  
 5897 | each district school board shall provide at least 100 minutes of  
 5898 | supervised, safe, and unstructured free-play recess each week  
 5899 | for students in kindergarten through grade 5 so that there are  
 5900 | at least 20 consecutive minutes of free-play recess per day.

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5901 This requirement does not apply to charter schools.

5902 Section 50. Paragraph (a) of subsection (8) and subsection  
5903 (11) of section 1002.37, Florida Statutes, are amended to read:

5904 1002.37 The Florida Virtual School.—

5905 (8) (a) The Florida Virtual School may provide full-time  
5906 and part-time instruction for students in kindergarten through  
5907 grade 12. ~~To receive part-time instruction in kindergarten~~  
5908 ~~through grade 5, a student must meet at least one of the~~  
5909 ~~eligibility criteria in s. 1002.455(2).~~

5910 ~~(11) The Auditor General shall conduct an operational~~  
5911 ~~audit of the Florida Virtual School, including Florida Virtual~~  
5912 ~~School Global. The scope of the audit shall include, but not be~~  
5913 ~~limited to, the administration of responsibilities relating to~~  
5914 ~~personnel; procurement and contracting; revenue production;~~  
5915 ~~school funds, including internal funds; student enrollment~~  
5916 ~~records; franchise agreements; information technology~~  
5917 ~~utilization, assets, and security; performance measures and~~  
5918 ~~standards; and accountability. The final report on the audit~~  
5919 ~~shall be submitted to the President of the Senate and the~~  
5920 ~~Speaker of the House of Representatives no later than January~~  
5921 ~~31, 2014.~~

5922 Section 51. Section 1002.455, Florida Statutes, is amended  
5923 to read:

5924 1002.455 Student eligibility for K-12 virtual  
5925 instruction.—



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5926        (1) All students, including home education and private  
 5927 school students, are eligible to participate in any of the  
 5928 following ~~A student may participate in virtual instruction in~~  
 5929 ~~the school district in which he or she resides if the student~~  
 5930 ~~meets the eligibility criteria in subsection (2).~~

5931        ~~(2) A student is eligible to participate in virtual~~  
 5932 ~~instruction if:~~

5933            ~~(a) The student spent the prior school year in attendance~~  
 5934 ~~at a public school in the state and was enrolled and reported by~~  
 5935 ~~the school district for funding during October and February for~~  
 5936 ~~purposes of the Florida Education Finance Program surveys;~~

5937            ~~(b) The student is a dependent child of a member of the~~  
 5938 ~~United States Armed Forces who was transferred within the last~~  
 5939 ~~12 months to this state from another state or from a foreign~~  
 5940 ~~country pursuant to a permanent change of station order;~~

5941            ~~(c) The student was enrolled during the prior school year~~  
 5942 ~~in a virtual instruction program under s. 1002.45 or a full-time~~  
 5943 ~~Florida Virtual School program under s. 1002.37(8) (a);~~

5944            ~~(d) The student has a sibling who is currently enrolled in~~  
 5945 ~~a virtual instruction program and the sibling was enrolled in~~  
 5946 ~~that program at the end of the prior school year;~~

5947            ~~(e) The student is eligible to enter kindergarten or first~~  
 5948 ~~grade; or~~

5949            ~~(f) The student is eligible to enter grades 2 through 5~~  
 5950 ~~and is enrolled full-time in a school district virtual~~

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5951 ~~instruction program, virtual charter school, or the Florida~~  
 5952 ~~Virtual School.~~

5953 ~~(3) The virtual instruction options for which this~~  
 5954 ~~eligibility section applies include:~~

5955 (1)(a) School district operated part-time or full-time  
 5956 kindergarten through grade 12 virtual instruction programs under  
 5957 s. 1002.45(1)(b) ~~for students enrolled in the school district.~~

5958 (2)(b) Full-time virtual charter school instruction  
 5959 authorized under s. 1002.33 to students within the school  
 5960 district or to students in other school districts throughout the  
 5961 state pursuant to s. 1002.31.

5962 (3)(e) Virtual courses offered in the course code  
 5963 directory to students within the school district or to students  
 5964 in other school districts throughout the state pursuant to s.  
 5965 1003.498.

5966 (4) Florida Virtual School instructional services  
 5967 authorized under s. 1002.37.

5968 Section 52. Subsection (5) and paragraph (b) of subsection  
 5969 (6) of section 1002.45, Florida Statutes, are amended to read:  
 5970 1002.45 Virtual instruction programs.—

5971 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual  
 5972 instruction program provided by the school district or by a  
 5973 virtual charter school ~~operated in the district in which he or~~  
 5974 ~~she resides if the student meets eligibility requirements for~~  
 5975 ~~virtual instruction pursuant to s. 1002.455.~~

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5976 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
 5977 enrolled in a virtual instruction program or virtual charter  
 5978 school must:

5979 (b) Take statewide assessments pursuant to s. 1008.22.  
 5980 Statewide assessments may be administered ~~state assessment tests~~  
 5981 within the school district in which such student resides, or as  
 5982 specified in the contract in accordance with s. 1008.24(3). If  
 5983 requested by the approved provider or virtual charter school,  
 5984 the district of residence ~~which~~ must provide the student with  
 5985 access to the district's testing facilities.

5986 Section 53. Paragraph (c) of subsection (2) and subsection  
 5987 (11) of section 1002.20, Florida Statutes, are amended,  
 5988 paragraph (d) of subsection (2) is redesignated as paragraph  
 5989 (e), a new paragraph (d) is added to subsection (2), and a new  
 5990 paragraph (m) is added to subsection (3), to read:

5991 1002.20 K-12 student and parent rights.—Parents of public  
 5992 school students must receive accurate and timely information  
 5993 regarding their child's academic progress and must be informed  
 5994 of ways they can help their child to succeed in school. K-12  
 5995 students and their parents are afforded numerous statutory  
 5996 rights including, but not limited to, the following:

5997 (2) ATTENDANCE.—

5998 (c) *Absence for religious purposes.*—A parent of a public  
 5999 school student may request and be granted permission for absence  
 6000 of the student from school for religious instruction or

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6001 religious holidays, in accordance with the provisions of s.  
 6002 1003.21(2)(b)1 ~~1003.21(2)(b)~~.

6003 (d) Absence for treatment of autism spectrum disorder.—A  
 6004 parent of a public school student may request and be granted  
 6005 permission for absence of the student from school for an  
 6006 appointment scheduled to receive a therapy service provided by a  
 6007 licensed health care practitioner or behavior analyst certified  
 6008 pursuant to s. 393.17 for the treatment of autism spectrum  
 6009 disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

6010 (3) HEALTH ISSUES.—

6011 (m) Sun-protective measures in school.—A student may  
 6012 possess and use a topical sunscreen product while on school  
 6013 property or at a school-sponsored event or activity without a  
 6014 physician's note or prescription if the product is regulated by  
 6015 the United States Food and Drug Administration for over-the-  
 6016 counter use to limit ultraviolet light-induced skin damage.

6017 (11) STUDENTS WITH READING DEFICIENCIES.—The parent of any  
 6018 K-3 student who exhibits a substantial reading deficiency shall  
 6019 be immediately notified of the student's deficiency pursuant to  
 6020 s. 1008.25(5) and ~~with a description and explanation, in terms~~  
 6021 ~~understandable to the parent, of the exact nature of the~~  
 6022 ~~student's difficulty in learning and lack of achievement in~~  
 6023 ~~reading;~~ shall be consulted in the development of a plan, as  
 6024 described in s. 1008.25(4)(b); ~~and shall be informed that the~~  
 6025 ~~student will be given intensive reading instruction until the~~

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6026 ~~deficiency is corrected. This subsection operates in addition to~~  
 6027 ~~the remediation and notification provisions contained in s.~~  
 6028 ~~1008.25 and in no way reduces the rights of a parent or the~~  
 6029 ~~responsibilities of a school district under that section.~~

6030 Section 54. Subsection (2) of section 1002.69, Florida  
 6031 Statutes, is amended to read:

6032 1002.69 Statewide kindergarten screening; kindergarten  
 6033 readiness rates; state-approved prekindergarten enrollment  
 6034 screening; good cause exemption.—

6035 (2) The statewide kindergarten screening shall provide  
 6036 objective data concerning each student's readiness for  
 6037 kindergarten and progress in attaining the performance standards  
 6038 adopted by the office under s. 1002.67(1). Data from the  
 6039 screening, along with other available data, must be used to  
 6040 identify students in need of intervention and support pursuant  
 6041 to s. 1008.25(5).

6042 Section 55. Subsection (3), paragraphs (a) and (c) of  
 6043 subsection (5), paragraph (b) of subsection (6), subsection (7),  
 6044 and paragraph (a) of subsection (8) of section 1008.25, Florida  
 6045 Statutes, are amended, paragraph (c) is added to subsection (4),  
 6046 to read:

6047 1008.25 Public school student progression; student  
 6048 support; reporting requirements.—

6049 (3) ALLOCATION OF RESOURCES.—District school boards shall  
 6050 allocate remedial and supplemental instruction resources to

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6051 students in the following priority:

6052 (a) Students in kindergarten through grade 3 who have a  
 6053 substantial deficiency ~~are deficient~~ in reading as determined in  
 6054 paragraph (5) (a) ~~by the end of grade 3~~.

6055 (b) Students who fail to meet performance levels required  
 6056 for promotion consistent with the district school board's plan  
 6057 for student progression required in subsection (2) ~~paragraph~~  
 6058 ~~(2) (b)~~.

6059 (4) ASSESSMENT AND SUPPORT.—

6060 (c) A student who has a substantial reading deficiency as  
 6061 determined in paragraph (5) (a) must be covered by a federally  
 6062 required student plan, such as an individual education plan or  
 6063 an individualized progress monitoring plan, or both, as  
 6064 necessary.

6065 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

6066 (a) Any student in kindergarten through grade 3 who  
 6067 exhibits a substantial deficiency in reading, ~~based upon~~  
 6068 screening, diagnostic, progress monitoring, or assessment data;  
 6069 ~~locally determined or statewide assessments; conducted in~~  
 6070 ~~kindergarten or grade 1, grade 2, or grade 3, or through teacher~~  
 6071 ~~observations,~~ must be provided given intensive, explicit,  
 6072 systematic, and multisensory reading interventions ~~instruction~~  
 6073 immediately following the identification of the reading  
 6074 deficiency. A school may not wait for a student to receive a  
 6075 failing grade at the end of a grading period to identify the

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6076 | student as having a substantial reading deficiency and initiate  
6077 | intensive reading interventions. The student's reading  
6078 | proficiency must be monitored and the intensive interventions  
6079 | ~~instruction~~ must continue until the student demonstrates grade  
6080 | level proficiency in a manner determined by the district, which  
6081 | may include achieving a Level 3 on the statewide, standardized  
6082 | English Language Arts assessment. The State Board of Education  
6083 | shall identify by rule guidelines for determining whether a  
6084 | student in kindergarten through grade 3 has a substantial  
6085 | deficiency in reading.

6086 |         (c) The parent of any student who exhibits a substantial  
6087 | deficiency in reading, as described in paragraph (a), must be  
6088 | notified in writing of the following:

6089 |             1. That his or her child has been identified as having a  
6090 | substantial deficiency in reading, including a description and  
6091 | explanation, in terms understandable to the parent, of the exact  
6092 | nature of the student's difficulty in learning and lack of  
6093 | achievement in reading.

6094 |             2. A description of the current services that are provided  
6095 | to the child.

6096 |             3. A description of the proposed intensive interventions  
6097 | ~~supplemental instructional services~~ and supports that will be  
6098 | provided to the child that are designed to remediate the  
6099 | identified area of reading deficiency.

6100 |             4. That if the child's reading deficiency is not

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6101 remediated by the end of grade 3, the child must be retained  
 6102 unless he or she is exempt from mandatory retention for good  
 6103 cause.

6104 5. Strategies, including multisensory strategies, through  
 6105 a read-at-home plan the parent can ~~for parents to~~ use in helping  
 6106 his or her ~~their~~ child succeed in reading ~~proficiency~~.

6107 6. That the statewide, standardized English Language Arts  
 6108 assessment is not the sole determiner of promotion and that  
 6109 additional evaluations, portfolio reviews, and assessments are  
 6110 available to the child to assist parents and the school district  
 6111 in knowing when a child is reading at or above grade level and  
 6112 ready for grade promotion.

6113 7. The district's specific criteria and policies for a  
 6114 portfolio as provided in subparagraph (6) (b)4. and the evidence  
 6115 required for a student to demonstrate mastery of Florida's  
 6116 academic standards for English Language Arts. A parent of a  
 6117 student in grade 3 who is identified anytime during the year as  
 6118 being at risk of retention may request that the school  
 6119 immediately begin collecting evidence for a portfolio.

6120 8. The district's specific criteria and policies for  
 6121 midyear promotion. Midyear promotion means promotion of a  
 6122 retained student at any time during the year of retention once  
 6123 the student has demonstrated ability to read at grade level.

6124 (6) ELIMINATION OF SOCIAL PROMOTION.—

6125 (b) The district school board may only exempt students



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6126 | from mandatory retention, as provided in paragraph (5) (b), for  
 6127 | good cause. A student who is promoted to grade 4 with a good  
 6128 | cause exemption shall be provided intensive reading instruction  
 6129 | and intervention that include specialized diagnostic information  
 6130 | and specific reading strategies to meet the needs of each  
 6131 | student so promoted. The school district shall assist schools  
 6132 | and teachers with the implementation of explicit, systematic,  
 6133 | and multisensory reading instruction and intervention strategies  
 6134 | for students promoted with a good cause exemption which research  
 6135 | has shown to be successful in improving reading among students  
 6136 | who have reading difficulties. Good cause exemptions are limited  
 6137 | to the following:

6138 |         1. Limited English proficient students who have had less  
 6139 | than 2 years of instruction in an English for Speakers of Other  
 6140 | Languages program based on the initial date of entry into a  
 6141 | school in the United States.

6142 |         2. Students with disabilities whose individual education  
 6143 | plan indicates that participation in the statewide assessment  
 6144 | program is not appropriate, consistent with the requirements of  
 6145 | s. 1008.212.

6146 |         3. Students who demonstrate an acceptable level of  
 6147 | performance on an alternative standardized reading or English  
 6148 | Language Arts assessment approved by the State Board of  
 6149 | Education.

6150 |         4. A student who demonstrates through a student portfolio

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6151 that he or she is performing at least at Level 2 on the  
6152 statewide, standardized English Language Arts assessment.

6153 5. Students with disabilities who take the statewide,  
6154 standardized English Language Arts assessment and who have an  
6155 individual education plan or a Section 504 plan that reflects  
6156 that the student has received intensive instruction in reading  
6157 or English Language Arts for more than 2 years but still  
6158 demonstrates a deficiency and was previously retained in  
6159 kindergarten, grade 1, grade 2, or grade 3.

6160 6. Students who have received intensive reading  
6161 intervention for 2 or more years but still demonstrate a  
6162 deficiency in reading and who were previously retained in  
6163 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
6164 years. A student may not be retained more than once in grade 3.

6165 ~~7. Students who have received intensive remediation in~~  
6166 ~~reading or English Language Arts for 2 or more years but still~~  
6167 ~~demonstrate a deficiency and who were previously retained in~~  
6168 ~~kindergarten, grade 1, grade 2, or grade 3 for a total of 2~~  
6169 ~~years. Intensive instruction for students so promoted must~~  
6170 ~~include an altered instructional day that includes specialized~~  
6171 ~~diagnostic information and specific reading strategies for each~~  
6172 ~~student. The district school board shall assist schools and~~  
6173 ~~teachers to implement reading strategies that research has shown~~  
6174 ~~to be successful in improving reading among low-performing~~  
6175 ~~readers.~~

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6176 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE  
6177 STUDENTS.—

6178 (a) Students retained under ~~the provisions of~~ paragraph  
6179 (5) (b) must be provided intensive interventions in reading to  
6180 ameliorate the student's specific reading deficiency and prepare  
6181 the student for promotion to the next grade. These  
6182 interventions, as identified by a valid and reliable diagnostic  
6183 assessment. This intensive intervention must include:

6184 1. Evidence-based, explicit, systematic, and multisensory  
6185 reading instruction in phonemic awareness, phonics, fluency,  
6186 vocabulary, and comprehension and other strategies prescribed by  
6187 the school district. effective instructional strategies,

6188 2. Participation in the school district's summer reading  
6189 camp, which must incorporate the instructional and intervention  
6190 strategies under subparagraph 1, and appropriate teaching  
6191 methodologies necessary to assist those students in becoming  
6192 successful readers, able to read at or above grade level, and  
6193 ready for promotion to the next grade.

6194 3. A minimum of 90 minutes of daily, uninterrupted reading  
6195 instruction incorporating the instructional and intervention  
6196 strategies under subparagraph 1. This instruction may include:

6197 ~~(b) Each school district shall:~~

6198 ~~1. Provide third grade students who are retained under the~~  
6199 ~~provisions of paragraph (5) (b) with intensive instructional~~  
6200 ~~services and supports to remediate the identified areas of~~

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6201 ~~reading deficiency, including participation in the school~~  
 6202 ~~district's summer reading camp as required under paragraph (a),~~  
 6203 ~~and a minimum of 90 minutes of daily, uninterrupted,~~  
 6204 ~~scientifically research-based reading instruction which includes~~  
 6205 ~~phonemic awareness, phonics, fluency, vocabulary, and~~  
 6206 ~~comprehension and other strategies prescribed by the school~~  
 6207 ~~district, which may include, but are not limited to:~~  
 6208       a. Integration of content-rich texts in science and social  
 6209 studies ~~content~~ within the 90-minute block.  
 6210       b. Small group instruction.  
 6211       c. Reduced teacher-student ratios.  
 6212       d. More frequent progress monitoring.  
 6213       e. Tutoring or mentoring.  
 6214       f. Transition classes containing 3rd and 4th grade  
 6215 students.  
 6216       g. Extended school day, week, or year.  
 6217       (b) Each school district shall:  
 6218       ~~1.2.~~ Provide written notification to the parent of a  
 6219 student who is retained under ~~the provisions of~~ paragraph (5) (b)  
 6220 that his or her child has not met the proficiency level required  
 6221 for promotion and the reasons the child is not eligible for a  
 6222 good cause exemption as provided in paragraph (6) (b). The  
 6223 notification must comply with paragraph (5) (c) ~~the provisions of~~  
 6224 ~~s. 1002.20(15)~~ and must include a description of proposed  
 6225 interventions and supports that will be provided to the child to

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6226 remediate the identified areas of reading deficiency.

6227 ~~2.3.~~ Implement a policy for the midyear promotion of a  
6228 student retained under ~~the provisions of~~ paragraph (5) (b) who  
6229 can demonstrate that he or she is a successful and independent  
6230 reader and performing at or above grade level in reading or,  
6231 upon implementation of English Language Arts assessments,  
6232 performing at or above grade level in English Language Arts.  
6233 Tools that school districts may use in reevaluating a student  
6234 retained may include subsequent assessments, alternative  
6235 assessments, and portfolio reviews, in accordance with rules of  
6236 the State Board of Education. Students promoted during the  
6237 school year after November 1 must demonstrate proficiency levels  
6238 in reading equivalent to the level necessary for the beginning  
6239 of grade 4. The rules adopted by the State Board of Education  
6240 must include standards that provide a reasonable expectation  
6241 that the student's progress is sufficient to master appropriate  
6242 grade 4 level reading skills.

6243 ~~3.4.~~ Provide students who are retained under ~~the~~  
6244 ~~provisions of~~ paragraph (5) (b), including students participating  
6245 in the school district's summer reading camp under subparagraph  
6246 (a)2., with a highly effective teacher as determined by the  
6247 teacher's performance evaluation under s. 1012.34, and,  
6248 beginning July 1, 2020, the teacher must also be certified or  
6249 endorsed in reading.

6250 ~~4.5.~~ Establish at each school, when applicable, an

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6251 intensive reading acceleration course ~~Class~~ for any student  
 6252 retained in grade 3 who was previously retained in kindergarten,  
 6253 grade 1, or grade 2 students who subsequently score Level 1 on  
 6254 the required statewide, standardized assessment identified in s.  
 6255 1008.22. The focus of the Intensive Acceleration Class shall be  
 6256 to increase a child's reading and English Language Arts skill  
 6257 level at least two grade levels in 1 school year. The intensive  
 6258 reading acceleration course must provide the following ~~Class~~  
 6259 ~~shall:~~

- 6260 a. Uninterrupted reading instruction for the majority of  
 6261 student contact time each day and opportunities to master the  
 6262 grade 4 Next Generation Sunshine State Standards in other core  
 6263 subject areas through content-rich texts.
- 6264 b. Small group instruction.
- 6265 c. Reduced teacher-student ratios.
- 6266 d. The use of explicit, systematic, and multisensory  
 6267 reading interventions, including intensive language, phonics,  
 6268 and vocabulary instruction, and use of a speech-language  
 6269 therapist if necessary, that have proven results in accelerating  
 6270 student reading achievement within the same school year.
- 6271 e. A read-at-home plan.

6272 ~~a. Be provided to a student in grade 3 who scores Level 1~~  
 6273 ~~on the statewide, standardized English Language Arts assessment~~  
 6274 ~~and who was retained in grade 3 the prior year because of~~  
 6275 ~~scoring Level 1.~~

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6276           ~~b. Have a reduced teacher-student ratio.~~

6277           ~~e. Provide uninterrupted reading instruction for the~~

6278 ~~majority of student contact time each day and incorporate~~

6279 ~~opportunities to master the grade 4 Next Generation Sunshine~~

6280 ~~State Standards in other core subject areas.~~

6281           ~~d. Use a reading program that is scientifically research-~~

6282 ~~based and has proven results in accelerating student reading~~

6283 ~~achievement within the same school year.~~

6284           ~~e. Provide intensive language and vocabulary instruction~~

6285 ~~using a scientifically research-based program, including use of~~

6286 ~~a speech-language therapist.~~

6287           (8) ANNUAL REPORT.—

6288           (a) In addition to the requirements in paragraph (5) (b),

6289 each district school board must annually report to the parent of

6290 each student the progress of the student toward achieving state

6291 and district expectations for proficiency in English Language

6292 Arts, science, social studies, and mathematics. The district

6293 school board must report to the parent the student's results on

6294 each statewide, standardized assessment. The evaluation of each

6295 student's progress must be based upon the student's classroom

6296 work, observations, tests, district and state assessments,

6297 response to intensive interventions provided under paragraph

6298 (5) (a), and other relevant information. Progress reporting must

6299 be provided to the parent in writing in a format adopted by the

6300 district school board.

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6301 Section 56. Subsection (2) of section 1011.67, Florida  
 6302 Statutes, is amended to read:  
 6303 1011.67 Funds for instructional materials.—  
 6304 (2) Annually by July 1 and before ~~prior to~~ the release of  
 6305 instructional materials funds, each district school  
 6306 superintendent shall certify to the Commissioner of Education  
 6307 that the district school board has approved a comprehensive  
 6308 staff development plan that supports fidelity of implementation  
 6309 of instructional materials programs, including. ~~The report shall~~  
 6310 ~~include~~ verification that training was provided; and that the  
 6311 materials are being implemented as designed; and, beginning July  
 6312 1, 2021, for core reading materials and reading intervention  
 6313 materials used in kindergarten through grade 5, that the  
 6314 materials meet the requirements of s. 1001.215(7). This  
 6315 paragraph does not preclude school districts from purchasing or  
 6316 using other materials to supplement reading instruction and  
 6317 provide additional skills practice.

6318 Section 57. Subsection (8) is added to section 1002.51,  
 6319 Florida Statutes, to read:  
 6320 1002.51 Definitions.—As used in this part, the term:  
 6321 (8) "Public school prekindergarten provider" includes a  
 6322 traditional public school or a charter school that is eligible  
 6323 to deliver the school-year prekindergarten program under s.  
 6324 1002.63 or the summer prekindergarten program under s. 1002.61.

6325 Section 58. Paragraph (b) of subsection (2) of section



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6326 | 1003.21, Florida Statutes, is amended to read:

6327 |       1003.21 School attendance.—

6328 |       (2)

6329 |       (b) Each district school board, in accordance with rules

6330 | of the State Board of Education, shall adopt policies

6331 | authorizing a policy that authorizes a parent to request and be

6332 | granted permission for absence of a student from school for:

6333 |       1. Religious instruction or religious holidays.

6334 |       2. An appointment scheduled to receive a therapy service

6335 | provided by a licensed health care practitioner or behavior

6336 | analyst certified pursuant to s. 393.17 for the treatment of

6337 | autism spectrum disorder, including, but not limited to, applied

6338 | behavioral analysis, speech therapy, and occupational therapy.

6339 |       Section 59. Subsection (4) of section 1003.24, Florida

6340 | Statutes, is amended to read:

6341 |       1003.24 Parents responsible for attendance of children;

6342 | attendance policy.—Each parent of a child within the compulsory

6343 | attendance age is responsible for the child's school attendance

6344 | as required by law. The absence of a student from school is

6345 | prima facie evidence of a violation of this section; however,

6346 | criminal prosecution under this chapter may not be brought

6347 | against a parent until the provisions of s. 1003.26 have been

6348 | complied with. A parent of a student is not responsible for the

6349 | student's nonattendance at school under any of the following

6350 | conditions:

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6351 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—  
 6352 Attendance was impracticable or inadvisable on account of  
 6353 sickness or injury, as attested to by a written statement of a  
 6354 licensed practicing physician, or was impracticable because of  
 6355 some other stated insurmountable condition as defined by and  
 6356 attested to in accordance with rules of the State Board of  
 6357 Education. If a student is continually sick and repeatedly  
 6358 absent from school, he or she must be under the supervision of a  
 6359 physician, or if the absence is related to the student having  
 6360 autism spectrum disorder, receiving services from a licensed  
 6361 health care practitioner or behavior analyst certified pursuant  
 6362 to s. 393.17, in order to receive an excuse from attendance.  
 6363 Such excuse provides that a student's condition justifies  
 6364 absence for more than the number of days permitted by the  
 6365 district school board.

6366  
 6367 Each district school board shall establish an attendance policy  
 6368 that includes, but is not limited to, the required number of  
 6369 days each school year that a student must be in attendance and  
 6370 the number of absences and tardinesses after which a statement  
 6371 explaining such absences and tardinesses must be on file at the  
 6372 school. Each school in the district must determine if an absence  
 6373 or tardiness is excused or unexcused according to criteria  
 6374 established by the district school board.

6375 Section 60. Paragraph (c) of subsection (1) of section

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6376 | 1003.4156, Florida Statutes, is amended to read:

6377 |       1003.4156 General requirements for middle grades  
6378 | promotion.—

6379 |       (1) In order for a student to be promoted to high school  
6380 | from a school that includes middle grades 6, 7, and 8, the  
6381 | student must successfully complete the following courses:

6382 |       ~~(c) One course in career and education planning to be~~  
6383 | ~~completed in 6th, 7th, or 8th grade. The course may be taught by~~  
6384 | ~~any member of the instructional staff. At a minimum, the course~~  
6385 | ~~must be Internet-based, easy to use, and customizable to each~~  
6386 | ~~student and include research-based assessments to assist~~  
6387 | ~~students in determining educational and career options and~~  
6388 | ~~goals. In addition, the course must result in a completed~~  
6389 | ~~personalized academic and career plan for the student; must~~  
6390 | ~~emphasize the importance of entrepreneurship skills; must~~  
6391 | ~~emphasize technology or the application of technology in career~~  
6392 | ~~fields; and, beginning in the 2014-2015 academic year, must~~  
6393 | ~~include information from the Department of Economic~~  
6394 | ~~Opportunity's economic security report as described in s.~~  
6395 | ~~445.07. The required personalized academic and career plan must~~  
6396 | ~~inform students of high school graduation requirements,~~  
6397 | ~~including a detailed explanation of the diploma designation~~  
6398 | ~~options provided under s. 1003.4285; high school assessment and~~  
6399 | ~~college entrance test requirements; Florida Bright Futures~~  
6400 | ~~Scholarship Program requirements; state university and Florida~~

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6401 ~~College System institution admission requirements; available~~  
 6402 ~~opportunities to earn college credit in high school, including~~  
 6403 ~~Advanced Placement courses; the International Baccalaureate~~  
 6404 ~~Program; the Advanced International Certificate of Education~~  
 6405 ~~Program; dual enrollment, including career dual enrollment; and~~  
 6406 ~~career education courses, including career-themed courses and~~  
 6407 ~~courses that lead to industry certification pursuant to s.~~  
 6408 ~~1003.492 or s. 1008.44.~~

6409  
 6410 ~~Each school must inform parents about the course curriculum and~~  
 6411 ~~activities. Each student shall complete a personal education~~  
 6412 ~~plan that must be signed by the student and the student's~~  
 6413 ~~parent. The Department of Education shall develop course~~  
 6414 ~~frameworks and professional development materials for the career~~  
 6415 ~~and education planning course. The course may be implemented as~~  
 6416 ~~a stand-alone course or integrated into another course or~~  
 6417 ~~courses. The Commissioner of Education shall collect~~  
 6418 ~~longitudinal high school course enrollment data by student~~  
 6419 ~~ethnicity in order to analyze course-taking patterns.~~

6420 Section 61. Subsection (3) of section 1003.57, Florida  
 6421 Statutes, is amended to read:

6422 1003.57 Exceptional students instruction.—

6423 (3) (a) For purposes of this subsection and subsection (4),  
 6424 the term:

6425 1. "Agency" means the Department of Children and Families

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6426 | or its contracted lead agency, the Agency for Persons with  
 6427 | Disabilities, and the Agency for Health Care Administration.

6428 |         2. "Exceptional student" means an exceptional student, as  
 6429 | defined in s. 1003.01, who has a disability.

6430 |         3. "Receiving school district" means the district in which  
 6431 | a private residential care facility is located.

6432 |         4. "Placement" means the funding or arrangement of funding  
 6433 | by an agency for all or a part of the cost for an exceptional  
 6434 | student to reside in a private residential care facility and the  
 6435 | placement crosses school district lines.

6436 |         (b) Within 10 business days after an exceptional student  
 6437 | is placed in a private residential care facility by an agency,  
 6438 | the agency or private residential care facility licensed by the  
 6439 | agency, as appropriate, shall provide written notification of  
 6440 | the placement to the school district where the student is  
 6441 | currently counted for funding purposes under s. 1011.62 and the  
 6442 | receiving school district. The exceptional student shall be  
 6443 | enrolled in school and receive a free and appropriate public  
 6444 | education, special education, and related services while the  
 6445 | notice and procedures regarding payment are pending. This  
 6446 | paragraph applies when the placement is for the primary purpose  
 6447 | of addressing residential or other noneducational needs and the  
 6448 | placement crosses school district lines.

6449 |         (c) Within 10 business days after receiving the  
 6450 | notification, the receiving school district must review the

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6451 student's individual educational plan (IEP) to determine if the  
 6452 student's IEP can be implemented by the receiving school  
 6453 district or by a provider or facility under contract with the  
 6454 receiving school district. The receiving school district shall:

- 6455 1. Provide educational instruction to the student;
- 6456 2. Contract with another provider or facility to provide
- 6457 the educational instruction; or
- 6458 3. Contract with the private residential care facility in
- 6459 which the student resides to provide the educational
- 6460 instruction; ~~or~~
- 6461 ~~4. Decline to provide or contract for educational~~
- 6462 ~~instruction.~~

6463  
 6464 ~~If the receiving school district declines to provide or contract~~  
 6465 ~~for the educational instruction, the school district in which~~  
 6466 ~~the legal residence of the student is located shall provide or~~  
 6467 ~~contract for the educational instruction to the student. The~~  
 6468 receiving school district providing that provides educational  
 6469 instruction or contracting ~~contracts~~ to provide educational  
 6470 instruction shall report the student for funding purposes  
 6471 pursuant to s. 1011.62.

6472 (d)1. The Department of Education, in consultation with  
 6473 the agencies and school districts, shall develop procedures for  
 6474 written notification to school districts regarding the placement  
 6475 of an exceptional student in a residential care facility. The

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6476 | procedures must:

6477 |       a. Provide for written notification of a placement that  
6478 | crosses school district lines; and

6479 |       b. Identify the entity responsible for the notification  
6480 | for each facility that is operated, licensed, or regulated by an  
6481 | agency.

6482 |       2. The State Board of Education shall adopt the procedures  
6483 | by rule pursuant to ss. 120.536(1) and 120.54, and the agencies  
6484 | shall implement the procedures.

6485 |

6486 | The requirements of paragraphs (c) and (d) do not apply to  
6487 | written agreements among school districts which specify each  
6488 | school district's responsibility for providing and paying for  
6489 | educational services to an exceptional student in a residential  
6490 | care facility. However, each agreement must require a school  
6491 | district to review the student's IEP within 10 business days  
6492 | after receiving the notification required under paragraph (b).

6493 |       Section 62. Paragraph (a) of subsection (3) of section  
6494 | 1006.40, Florida Statutes, is amended to read:

6495 |       1006.40 Use of instructional materials allocation;  
6496 | instructional materials, library books, and reference books;  
6497 | repair of books.—

6498 |       (3) (a) Except for a school district or a consortium of  
6499 | school districts that implements an instructional materials  
6500 | program pursuant to s. 1006.283 ~~Beginning with the 2015-2016~~

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6501 ~~fiscal year~~, each district school board shall use ~~at least 50~~  
 6502 ~~percent of~~ the annual allocation only for the purchase of  
 6503 ~~digital or electronic~~ instructional materials that align with  
 6504 state standards and are included on the state-adopted list,  
 6505 except as otherwise authorized in paragraphs (b) and (c).

6506 Section 63. Subsections (1) and (4) of section 1009.60,  
 6507 Florida Statutes, are amended to read:

6508 1009.60 Minority teacher education scholars program.—There  
 6509 is created the minority teacher education scholars program,  
 6510 which is a collaborative performance-based scholarship program  
 6511 for African-American, Hispanic-American, Asian-American, and  
 6512 Native American students. The participants in the program  
 6513 include Florida's Florida College System institutions and its  
 6514 public and private universities that have teacher education  
 6515 programs.

6516 (1) The minority teacher education scholars program shall  
 6517 provide an annual scholarship in an amount that shall be  
 6518 prorated based on available appropriations and may not exceed  
 6519 \$4,000 for each approved minority teacher education scholar who  
 6520 is enrolled in one of Florida's public or private colleges or  
 6521 universities, in the junior year and is admitted into a teacher  
 6522 education program, and has not earned more than 18 credit hours  
 6523 of upper-division-level courses in education.

6524 (4) A student may receive a scholarship from the program  
 6525 for 3 consecutive years if the student remains enrolled full-



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6526 | time in the program and makes satisfactory progress toward a  
 6527 | baccalaureate degree with a major in education or a graduate  
 6528 | degree with a major in education, leading to initial  
 6529 | certification.

6530 | Section 64. Paragraph (a) of subsection (2) of section  
 6531 | 1009.605, Florida Statutes, is amended to read:

6532 | 1009.605 Florida Fund for Minority Teachers, Inc.—

6533 | (2) (a) The corporation shall submit an annual budget  
 6534 | projection to the Department of Education to be included in the  
 6535 | annual legislative budget request. The projection must be based  
 6536 | on the cost to award up to 350 scholarships to new scholars ~~in~~  
 6537 | ~~the junior year~~ and up to 350 renewal scholarships ~~to the 350~~  
 6538 | ~~rising seniors.~~

6539 | Section 65. Committee on Early Grade Success.—The  
 6540 | Committee on Early Grade Success, a committee as defined in s.  
 6541 | 20.03, Florida Statutes, is created within the Department of  
 6542 | Education to develop a proposal for establishing and  
 6543 | implementing a coordinated child assessment system for the  
 6544 | School Readiness Program, the Voluntary Prekindergarten  
 6545 | Education Program, and the Kindergarten Readiness Assessment  
 6546 | and, except as otherwise provided in this section, shall operate  
 6547 | consistent with s. 20.052, Florida Statutes.

6548 | (1) The committee's proposal must include legislative  
 6549 | recommendations for the design and implementation of a  
 6550 | coordinated child assessment system, including, but not limited

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6551 to:

6552 (a) The purpose of a child assessment, with a focus on  
 6553 developmentally appropriate learning gains.

6554 (b) Attributes for tool selection that provide guidance on  
 6555 procurement policies.

6556 (c) An implementation schedule and protocols, including  
 6557 the frequency of data collection and a timeline for training to  
 6558 ensure reliability of the system.

6559 (d) The methodology for collecting and analyzing data that  
 6560 define reporting requirements.

6561 (e) A budget for the system, including cost analyses for  
 6562 purchasing materials and the necessary technology, training to  
 6563 ensure reliability, and data system management.

6564 (f) Considerations for student privacy and tracking child  
 6565 development over time.

6566 (2) The committee is composed of 17 members who are  
 6567 residents of the state and appointed as follows:

6568 (a) Three members appointed by the Governor:

6569 1. One representative from the Office of Early Learning.

6570 2. One representative from the Department of Education.

6571 3. One parent of a child who is 3 to 6 years of age.

6572 (b) Fourteen members jointly appointed by the President of  
 6573 the Senate and the Speaker of the House of Representatives:

6574 1. One representative of an urban school district.

6575 2. One representative of a rural school district.

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- 6576 |       3. One representative of an urban early learning  
6577 | coalition.
- 6578 |       4. One representative of a rural early learning coalition.
- 6579 |       5. One representative of an early learning provider.
- 6580 |       6. One representative of a faith-based early learning  
6581 | provider.
- 6582 |       7. One representative who is a kindergarten teacher with  
6583 | at least 5 years of teaching experience.
- 6584 |       8. One representative who is an elementary school  
6585 | principal.
- 6586 |       9. Four representatives with subject matter expertise in  
6587 | early learning, early grade success, or child assessments. The  
6588 | four representatives may not be direct stakeholders within the  
6589 | early learning or public school systems or potential recipients  
6590 | of a contract resulting from the committee's proposal.
- 6591 |       10. One member of the Senate.
- 6592 |       11. One member of the House of Representatives.
- 6593 |       (3) The committee shall elect a chair and vice chair. The  
6594 | chair must be one of the four members with subject matter  
6595 | expertise in early learning, early grade success, or child  
6596 | assessments. The vice chair must be a member appointed by the  
6597 | President of the Senate and the Speaker of the House of  
6598 | Representatives, who is not one of the four members who are  
6599 | subject matter experts in early learning, early grade success,  
6600 | or child assessments. Members of the committee shall serve

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6601 without compensation but are entitled to reimbursement for per  
 6602 diem and travel expenses pursuant to s. 112.061, Florida  
 6603 Statutes.

6604 (4) The committee must meet at least three times and shall  
 6605 meet by teleconference or other electronic means, if possible,  
 6606 to reduce costs.

6607 (5) A majority of the members constitutes a quorum.

6608 (6) The University of Florida Lastinger Center for  
 6609 Learning shall provide the committee with staff necessary to  
 6610 assist the committee in the performance of its duties.

6611 (7) The committee shall submit a report of its findings  
 6612 and recommendations to the Governor, the President of the  
 6613 Senate, and the Speaker of the House of Representatives by  
 6614 December 1, 2017. Upon submission of the report, the committee  
 6615 shall expire.

6616 (8) The State Board of Education may adopt rules to  
 6617 implement and administer this section.

6618 Section 66. Section 1013.101, Florida Statutes, is created  
 6619 to read:

6620 1013.101 Shared use agreements.-

6621 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds  
 6622 that greater public access to recreation and sports facilities  
 6623 is needed to reduce the impact of obesity, diabetes, and other  
 6624 chronic diseases on personal health and health care  
 6625 expenditures. Public schools are equipped with taxpayer-funded

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6626 | indoor and outdoor recreation facilities that offer easily  
 6627 | accessible opportunities for physical activity for residents of  
 6628 | the community. The Legislature also finds that it is the policy  
 6629 | of the state for district school boards to allow the shared use  
 6630 | of school buildings and property by adopting policies allowing  
 6631 | for shared use and implementing shared use agreements with local  
 6632 | governmental entities and nonprofit organizations. The  
 6633 | Legislature intends to increase the number of school districts  
 6634 | that open their playground facilities to community use outside  
 6635 | of school hours.

6636 | (2) DEFINITIONS.—As used in this section, the term:

6637 | (a) "High-need communities" means communities in which at  
 6638 | least 50 percent of children are eligible to receive free or  
 6639 | reduced-price meals at the school that will be the subject of  
 6640 | the shared use agreement.

6641 | (b) "Shared use" means allowing access to school  
 6642 | playground facilities by community members for recreation or  
 6643 | another purpose of importance to the community through a shared  
 6644 | use agreement or a school district or school policy that opens  
 6645 | school facilities, including, but not limited to charter schools  
 6646 | and Florida College System institutions, for use by government  
 6647 | or nongovernmental entities or the public.

6648 | (c) "Shared use agreement" means a written agreement  
 6649 | between a school district, a charter school, or a Florida  
 6650 | College System institution, and a government or nongovernmental

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6651 entity which defines the roles, responsibilities, terms, and  
 6652 conditions for community use of a school-owned facility for  
 6653 recreation or other purposes.

6654 (3) PROMOTION OF COMMUNITY USE OF SHARED FACILITIES.—The  
 6655 department shall provide technical assistance to school  
 6656 districts, including, but not limited to, individualized  
 6657 assistance, the creation of a shared use technical assistance  
 6658 toolkit containing useful information for school districts, and  
 6659 the development of a publicly accessible online database of  
 6660 shared use resources and existing shared use agreements.

6661 Section 67. Shared Use Task Force.—The Shared Use Task  
 6662 Force, a task force as defined in s. 20.03, Florida Statutes, is  
 6663 created within the Department of Education. The task force is  
 6664 created to identify barriers in creating shared use agreements  
 6665 and to make recommendations to facilitate the shared use of  
 6666 school facilities generally and in high-need communities.

6667 (1) The task force is composed of seven members appointed  
 6668 by the department, as follows:

6669 (a) Two representatives from school districts, including  
 6670 one representative from school districts 1 through 33 and one  
 6671 representative from school districts 34 through 67;

6672 (b) One representative from a public health department;

6673 (c) Two representatives from community-based programs in  
 6674 high-need communities; and

6675 (d) Two representatives from recreational organizations.

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6676           (2) The task force shall elect a chair and vice chair. The  
 6677 chair and vice chair may not be representatives from the same  
 6678 member category. Members of the task force shall serve without  
 6679 compensation, but are entitled to reimbursement for per diem and  
 6680 travel expenses pursuant to s. 112.061, Florida Statutes.

6681           (3) The task force shall meet by teleconference or other  
 6682 electronic means, if possible, to reduce costs.

6683           (4) The department shall provide the task force with staff  
 6684 necessary to assist the task force in the performance of its  
 6685 duties.

6686           (5) The task force shall submit a report of its findings  
 6687 and recommendations to the President of the Senate and the  
 6688 Speaker of the House of Representatives by June 30, 2018. Upon  
 6689 submission of the report, the task force shall expire.

6690           Section 68. Paragraph (b) of subsection (1) of section  
 6691 125.901, Florida Statutes, is amended to read:

6692           125.901 Children's services; independent special district;  
 6693 council; powers, duties, and functions; public records  
 6694 exemption.—

6695           (1) Each county may by ordinance create an independent  
 6696 special district, as defined in ss. 189.012 and 200.001(8)(e),  
 6697 to provide funding for children's services throughout the county  
 6698 in accordance with this section. The boundaries of such district  
 6699 shall be coterminous with the boundaries of the county. The  
 6700 county governing body shall obtain approval, by a majority vote

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6701 of those electors voting on the question, to annually levy ad  
6702 valorem taxes which shall not exceed the maximum millage rate  
6703 authorized by this section. Any district created pursuant to the  
6704 provisions of this subsection shall be required to levy and fix  
6705 millage subject to the provisions of s. 200.065. Once such  
6706 millage is approved by the electorate, the district shall not be  
6707 required to seek approval of the electorate in future years to  
6708 levy the previously approved millage.

6709 (b) However, any county as defined in s. 125.011(1) may  
6710 instead have a governing body consisting of 33 members,  
6711 including: the superintendent of schools, or his or her  
6712 designee; two representatives of public postsecondary education  
6713 institutions located in the county; the county manager or the  
6714 equivalent county officer; the district administrator from the  
6715 appropriate district of the Department of Children and Families,  
6716 or the administrator's designee who is a member of the Senior  
6717 Management Service or the Selected Exempt Service; the director  
6718 of the county health department or the director's designee; the  
6719 state attorney for the county or the state attorney's designee;  
6720 the chief judge assigned to juvenile cases, or another juvenile  
6721 judge who is the chief judge's designee and who shall sit as a  
6722 voting member of the board, except that the judge may not vote  
6723 or participate in setting ad valorem taxes under this section;  
6724 an individual who is selected by the board of the local United  
6725 Way or its equivalent; a member of a locally recognized faith-



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6726 | based coalition, selected by that coalition; a member of the  
 6727 | local chamber of commerce, selected by that chamber or, if more  
 6728 | than one chamber exists within the county, a person selected by  
 6729 | a coalition of the local chambers; a member of the early  
 6730 | learning coalition, selected by that coalition; a representative  
 6731 | of a labor organization or union active in the county; a member  
 6732 | of a local alliance or coalition engaged in cross-system  
 6733 | planning for health and social service delivery in the county,  
 6734 | selected by that alliance or coalition; a member of the local  
 6735 | Parent-Teachers Association/Parent-Teacher-Student Association,  
 6736 | selected by that association; a youth representative selected by  
 6737 | the local school system's student government; a local school  
 6738 | board member appointed by the chair of the school board; the  
 6739 | mayor of the county or the mayor's designee; one member of the  
 6740 | county governing body, appointed by the chair of that body; a  
 6741 | member of the state Legislature who represents residents of the  
 6742 | county, selected by the chair of the local legislative  
 6743 | delegation; an elected official representing the residents of a  
 6744 | municipality in the county, selected by the county municipal  
 6745 | league; and 4 members-at-large, appointed to the council by the  
 6746 | majority of sitting council members. The remaining 7 members  
 6747 | shall be appointed by the Governor in accordance with procedures  
 6748 | set forth in paragraph (a), except that the Governor may remove  
 6749 | a member for cause or upon the written petition of the council.  
 6750 | Appointments by the Governor must, to the extent reasonably

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6751 possible, represent the geographic and demographic diversity of  
 6752 the population of the county. Members who are appointed to the  
 6753 council by reason of their position are not subject to the  
 6754 length of terms and limits on consecutive terms as provided in  
 6755 this section. The remaining appointed members of the governing  
 6756 body shall be appointed to serve 2-year terms, except that those  
 6757 members appointed by the Governor shall be appointed to serve 4-  
 6758 year terms, and the youth representative and the legislative  
 6759 delegate shall be appointed to serve 1-year terms. A member may  
 6760 be reappointed; however, a member may not serve for more than  
 6761 three consecutive terms. A member is eligible to be appointed  
 6762 again after a 2-year hiatus from the council.

6763 Section 69. Section 1003.481, Florida Statutes, is created  
 6764 to read:

6765 1003.481 Early Childhood Music Education Incentive Pilot  
 6766 Program.—

6767 (1) Beginning with the 2017-2018 school year, the Early  
 6768 Childhood Music Education Incentive Pilot Program is created  
 6769 within the Department of Education for a period of 3 school  
 6770 years. The purpose of the pilot program is to assist selected  
 6771 school districts in implementing comprehensive music education  
 6772 programs for students in kindergarten through grade 2.

6773 (2) In order for a school district to be eligible for  
 6774 participation in the pilot program, the superintendent must  
 6775 certify to the Commissioner of Education, in a format prescribed

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6776 by the department, that each elementary school within the  
 6777 district has established a comprehensive music education program  
 6778 that:

6779 (a) Includes all students at the school enrolled in  
 6780 kindergarten through grade 2.

6781 (b) Is staffed by certified music educators.

6782 (c) Provides music instruction for at least 30 consecutive  
 6783 minutes 2 days a week.

6784 (d) Complies with class size requirements under s.  
 6785 1003.03.

6786 (e) Complies with the department's standards for early  
 6787 childhood music education programs for students in kindergarten  
 6788 through grade 2.

6789 (3) (a) The commissioner shall select school districts for  
 6790 participation in the pilot program, subject to legislative  
 6791 appropriation, based on the school district's proximity to the  
 6792 University of Florida and needs-based criteria established by  
 6793 the State Board of Education. Selected school districts shall  
 6794 annually receive \$150 per full-time equivalent student in  
 6795 kindergarten through grade 2 who is enrolled in a comprehensive  
 6796 music education program.

6797 (b) To maintain eligibility for participation in the pilot  
 6798 program, a selected school district must annually certify to the  
 6799 commissioner, in a format prescribed by the department, that  
 6800 each elementary school within the district provides a

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6801 comprehensive music education program that meets the  
6802 requirements of subsection (2). If a selected school district  
6803 fails to provide the annual certification for a fiscal year, the  
6804 school district must return all funds received through the pilot  
6805 program for that fiscal year.

6806 (4) The University of Florida's College of Education shall  
6807 evaluate the effectiveness of the pilot program by measuring  
6808 student academic performance and the success of the program. The  
6809 evaluation must include, but is not limited to, a quantitative  
6810 analysis of student achievement and a qualitative evaluation of  
6811 students enrolled in the comprehensive music education programs.

6812 (5) The State Board of Education may adopt rules to  
6813 administer this section.

6814 (6) This section expires June 30, 2020.

6815 Section 70. If any provision of this act or its  
6816 application to any person or circumstance is held invalid, the  
6817 invalidity does not affect the remaining provisions or  
6818 applications of the act which can be given effect without the  
6819 invalid provision or application, and to this end the provisions  
6820 of this act are severable.

6821 Section 71. For the 2017-2018 fiscal year, \$413,950,000 in  
6822 recurring funds from the General Revenue Fund and \$5 million in  
6823 nonrecurring funds from the General Revenue Fund are  
6824 appropriated to the Department of Education to implement this  
6825 act. Of these funds, \$233,950,000 shall be used to implement the

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6826 | Best and Brightest Teacher Scholarship Program pursuant to s.  
 6827 | 1012.731, Florida Statutes, and the Best and Brightest Principal  
 6828 | Scholarship Program pursuant to s. 1012.732, Florida Statutes,  
 6829 | \$30 million shall be used to implement the Gardiner Scholarship  
 6830 | Program pursuant to s. 1002.385, Florida Statutes, and \$10  
 6831 | million in recurring funds and \$5 million in nonrecurring funds  
 6832 | shall be used to implement the provisions of this act relating  
 6833 | to statewide student assessments. The remaining funds shall be  
 6834 | used to implement the remaining provisions of this act, except  
 6835 | for the implementation of the Early Childhood Music Education  
 6836 | Incentive Pilot Program, as created by s. 1003.481, Florida  
 6837 | Statutes, the Committee on Early Grade Success, as created by  
 6838 | section 65 of this act, and the Shared Use Task Force, as  
 6839 | created by section 67 of this act.

6840 |       Section 72. Except as otherwise expressly provided in this  
 6841 | act and except for this section, which shall take effect upon  
 6842 | this act becoming a law, this act shall take effect July 1,  
 6843 | 2017.

# **EXHIBIT 5**

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

|                            |  |                                  |          |     |
|----------------------------|--|----------------------------------|----------|-----|
| <b>BILL #:</b>             | CS/HB 7069   | <b>FINAL HOUSE FLOOR ACTION:</b> |          |     |
| <b>SUBJECT/SHORT TITLE</b> | Education  | 73                               | Y's 36   | N's |
| <b>SPONSOR(S):</b>         | Appropriations Committee;<br>Education Committee; Diaz, M.;<br>and others  | <b>GOVERNOR'S ACTION:</b>        | Approved |     |
| <b>COMPANION BILLS:</b>    | CS/CS/CS/HB 15, CS/HB 833,<br>CS/CS/CS/HB 549, CS/CS/HB<br>773, CS/HB 1111, CS/CS/HB<br>1331, CS/CS/SB 1552, SB 2516,<br>HB 5101, HB 5105, CS/CS/HB<br>7101, CS/CS/HB 7057 |                                  |          |     |

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**SUMMARY ANALYSIS**

CS/HB 7069 passed the House and subsequently passed the Senate on May 8, 2017. The bill contains portions of HB 5101, HB 5105, CS/CS/HB 7101, CS/CS/HB 7057, CS/CS/CS/HB 15, CS/HB 833, CS/CS/CS/HB 549, CS/CS/HB 773, CS/HB 1111, CS/CS/HB 1331, CS/CS/SB 1552, SB 2516, CS/HB 127, CS/CS/HB 293, HB 655, HB 6015, CS/CS/HB 989, CS/HB 827, HB 1139, CS/HB 1131, HB 67, CS/HB 79, and HB 1229.

The bill:

- extends the Best and Brightest Teacher Scholarship Program through the 2019-2020 school year, revises scholarship award amounts, revises eligibility criteria beginning with the 2020-2021 school year, and provides additional bonus awards for teachers rated highly effective and effective through the 2019-2020 school year;
- establishes the Best and Brightest Principal Scholarship Program to award qualifying principals a scholarship amount and provide certain administrative flexibilities;
- establishes the Schools of Hope program to encourage traditional public schools within the state and charter operators throughout the country with a proven track record of student success in low-income areas to replicate their model and serve students from persistently low-performing schools;
- creates the Schools of Excellence program to provide administrative flexibilities to certain schools;
- expedites school improvement by requiring school districts to provide principals with greater autonomy, enter into a memorandum of understanding with the teacher's union regarding the recruitment and retention of teachers at "D" or "F" schools, and select and implement a turnaround plan once a school earns two consecutive school grades of "D" or a grade of "F;" eliminating the hybrid turnaround option; including a district-operated charter school as a turnaround option; and requiring the Commissioner of Education to assign a community assessment team the first time a school earns a grade of "D" or "F";
- fosters the development of civic literacy throughout the K-20 education system by authorizing the Governor to designate the month of September as American Founder's Month; establishing civic literacy as a priority of the K-20 education system; requiring the Just Read, Florida! Office to develop curricular programming to help build student background knowledge and literacy skills; and requiring public postsecondary students to demonstrate civic literacy;
- streamlines the temporary certificate application process;
- establishes a mentorship-based certification pathway;
- revises provisions related to charter schools and expands eligibility for virtual education options;

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DATE: October 11, 2017

- reduces state testing, pushes back testing dates, and provides for paper-based tests in certain grades;
- requires state testing results to be timely provided to teachers and parents in an easy-to-read format;
- requires district-required testing results to be provided to teachers within 1 week;
- expands eligibility for the Gardiner Scholarship Program and authorizes additional expenditures;
- expressly authorizes students to possess and use sunscreen on campus without a prescription;
- provides for permitted absences for treatment of autism spectrum disorder;
- requires school districts to provide instruction to students in residential health care facilities;
- revises the way funds are provided to school districts, including by:
  - requiring school districts to share discretionary millage revenue with charter schools;
  - establishing a Safe Schools funding allocation;
  - modifying eligibility criteria and funding methodology for the high-growth district program; and
  - modifying the sparsity supplement and certain funding allocations;
- redefines “eligible student” for purposes of the College-preparatory Boarding Academy Pilot Program;
- requires certain students who transfer to a private school to count towards a school’s graduation rate;
- includes concordant scores in calculating an alternative school’s school improvement rating;
- exempts students who meet certain requirements from the personal fitness exam;
- allows a blended learning course to satisfy the online course required for high school graduation;
- provides for third party analysis and reporting of student learning growth data;
- makes use of the student learning growth formula in an educator’s performance evaluation optional;
- revises provisions for identifying and supporting students with a substantial reading deficiency;
- deletes the requirement that the instructional materials allocation be used to purchase digital materials;
- extends early warning system coverage to include students in kindergarten through grade 8;
- requires 20 minutes of consecutive free-play recess per day for K through 5 students;
- establishes provisions related to shared use agreements for public school playground facilities;
- makes the middle grades career and education planning course optional;
- revises eligibility criteria for participation in the minority teacher education scholars program;
- creates the Committee on Early Childhood Development to develop a proposal on certain milestones;
- establishes the Early Childhood Music Education Incentive Pilot Program; and
- allows designees of certain superintendents to participate on a children’s services board.

The bill includes an appropriation of \$413,950,000 in recurring General Revenue Funds and \$5 million in nonrecurring General Funds.

The bill was approved by the Governor on June 15, 2017, ch. 2017-116, L.O.F., and became effective on July 1, 2017, except as otherwise provided.



# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Directory

CS/HB 7069 is an omnibus educational reform bill that contains provisions from 23 bills that have been heard, deliberated, and passed by House and Senate committees and, in several cases, by the House or Senate. The analyses on the substantive provisions in the bill may be found at each corresponding page number:

| Provision  | Page |
|--|------|
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### Best and Brightest Teacher Scholarship Program

#### Present Situation

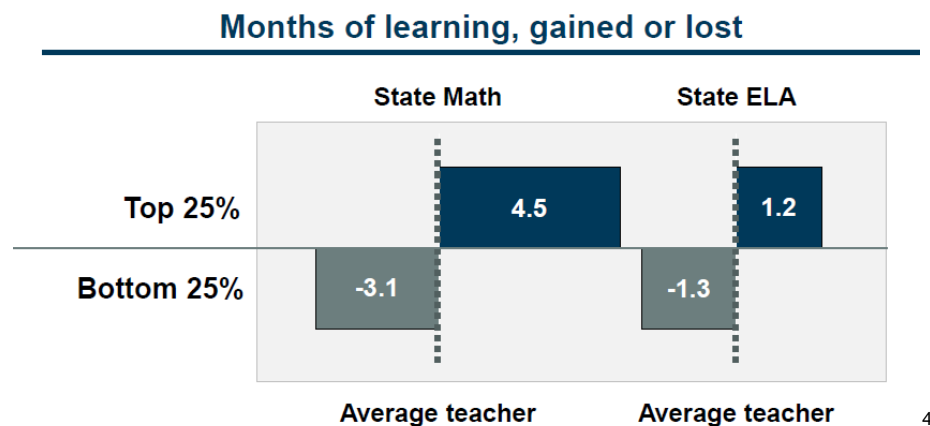
Internationally renowned public education systems, such as those in Finland and Singapore, recruit, develop, and retain the leading academic talent, most of who graduated near the top of their collegiate class. However, in the United States, only 23% of all teachers, and only 14% of teachers in high-poverty schools, come from the top third of college graduates.<sup>1</sup>

Research shows the importance of a teacher's high cognitive ability in the classroom, as there is a correlation between a teacher's academic achievement (including undergraduate GPA, college entrance test scores, and college selectivity) and their effectiveness<sup>2</sup> and because "[a] very good

<sup>1</sup> The Council for the Accreditation of Education Preparation, *Recruitment and Selection In Educator Preparation*, at 6 (2011), available at <http://caepnet.org/~media/Files/caep/accreditation-resources/recruitment-and-selection.pdf>.

<sup>2</sup> National Bureau of Economic Research, *Teacher Applicant Hiring and Teacher Performance: Evidence From DC Public Schools* (2016) at 23, available at <http://www.nber.org/papers/w22054>; Sharon Kukla-Acevedo, *Do Teacher Characteristics Matter? New Results on the Effects of Teacher Preparation on Student Achievement*, 28 ECON. OF ED. REV. 49, at 53 (2007); BOYD ET AL, *The Narrowing Gap in New York City Teacher Qualifications and Its Implications for Student Achievement in High-Poverty Schools*, 27 J.

teacher as opposed to a very bad one can make as much as a full year's difference in learning growth for students.”<sup>3</sup>



Moreover, to improve the quality of teacher candidates, new national teacher preparation program accreditation standards have increased the entrance requirements for undergraduate GPAs and test scores of teacher candidates.<sup>5</sup> The standards progressively increase average test scores for incoming teacher preparation program cohorts to the top half of a school's student body.<sup>6</sup>

With these trends in mind, the Best and Brightest Teacher Scholarship Program was established to attract teachers with high cognitive ability and retain those teachers who demonstrated they were highly effective at improving student outcomes.

In 2015, the Legislature established the “Best and Brightest Teacher Scholarship Program” in the General Appropriations Act and appropriated \$44,022,483 to fund the program.<sup>7</sup> In 2016, the Legislature codified the program in statute and appropriated \$49,000,000 to continue it for the 2016-2017 school year.<sup>8</sup> Under the program, teachers who are rated “highly effective”<sup>9</sup> and who scored at or above the 80th percentile nationally on either the SAT or the ACT at the time the assessment was taken can be provided a payment of up to \$10,000. First-year teachers who do not yet have an evaluation can qualify if they scored at or above the 80th percentile on the SAT or ACT at the time the assessment was taken.

To demonstrate eligibility for an award, a teacher must submit to the school district, no later than November 1, an official record of his or her SAT or ACT score demonstrating that the teacher scored at or above the 80th percentile based upon the national percentile ranks in effect when the teacher took the assessment. Once a teacher is deemed eligible, including a teacher deemed eligible for the 2015-16 school year, the teacher remains eligible as long as he or she remains employed by the school

OF POL'Y ANALYSIS & MGMT. 793 (2008). Attaining certification from the National Board for Professional Teaching Standards is not associated with raising student achievement data in Florida. See Douglas Harris and Tim Sass, *The Effects of NBPTS-Certified Teachers on Student Achievement*, 28 J. OF POL'Y ANALYSIS AND MGMT 55, at77 (2009).

<sup>3</sup> Dan Goldhaber, *Teacher Pay Reforms: The Political Implications of Recent Research* (Washington, DC: Center for American Progress, at 4 (2009) , available at [http://www.americanprogress.org/issues/2006/12/pdf/teacher\\_pay\\_report.pdf](http://www.americanprogress.org/issues/2006/12/pdf/teacher_pay_report.pdf).

<sup>4</sup> Bellwether Education Partners, *Ensuring Effective Teachers For All Students: hearing before the House PreK-12 Quality Subcommittee* (Jan. 11, 2017) (citing Bill & Melinda Gates Foundation, *Gathering Feedback for Teaching* (2011)).

<sup>5</sup> CAEP Accreditation Handbook, Council for the Accreditation of Education Preparation, at 34 (Mar. 2016) ([http://caepnet.org/~media/CAEP%20Accreditation%20Handbook\\_March%202016.pdf?la=en](http://caepnet.org/~media/CAEP%20Accreditation%20Handbook_March%202016.pdf?la=en)).

<sup>6</sup> See *id.* These thresholds correspond approximately to the 70-75th percentiles. See National Council on Teacher Quality, *Understanding our Selection Criteria Standard* (2016) at 7, available at [http://www.nctq.org/dmsView/NCTQ\\_-\\_Standard\\_1\\_How\\_Programs\\_Stack\\_Up](http://www.nctq.org/dmsView/NCTQ_-_Standard_1_How_Programs_Stack_Up).

<sup>7</sup> Specific Appropriation 99A, s. 2, ch. 2015-232, L.O.F.

<sup>8</sup> Section 25, ch. 2016-62, L.O.F., creating s. 1012.731, F.S. The section of law will expire on July 1, 2017.

<sup>9</sup> As determined by the district evaluation system pursuant to s. 1012.34, F.S.

district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of “highly effective.”

By December 1, each school district, charter school governing board, and the Florida School for the Deaf and Blind must submit to the DOE the number of eligible teachers who qualify for the award. By February 1, the DOE must disburse funds to each school district for each eligible teacher to receive the award. By April 1, each school district, charter school governing board, and the Florida School for the Deaf and the Blind must provide payment of the award to each eligible teacher. If the number of eligible teachers exceeds the total appropriated amount, then the DOE must prorate the per teacher award amount.<sup>10</sup>

As of February 2, 2017, 7,188 teachers have been identified as qualifying for an award for 2016, which is a 35 percent increase from the 5,334 recipients in 2015, and represents about 3.8% of the 188,322 certificated classroom teachers statewide.<sup>11</sup>

| <b>Best and Brightest Teacher Scholarship Awards</b> |                        |                                 |
|--|------------------------|---------------------------------|
|  | <b>2015 Recipients</b> | <b>2016 Recipients</b>          |
| <b>State Total</b>                                   | 5,334                  | 7,188                           |
| <b>Award Amount</b>                                  | \$8,248/per award      | \$6,816/per award <sup>12</sup> |

Although a larger number of elementary schools have at least one Best and Brightest teacher than any other school type, high school teachers make up the highest percentage of scholarship award recipients.<sup>13</sup>

| <b>School Type</b> | <b>Best and Brightest 2016</b> |                           |
|--------------------|--------------------------------|---------------------------|
|                    | <b># Schools</b>               | <b># Teachers</b>         |
| Elementary         | 901                            | 2,014                     |
| Middle             | 363                            | 1,249                     |
| High               | 439                            | 3,192                     |
| Combination/Other  | 198                            | 642                       |
| Not Reported       | 10                             | 14                        |
| <b>Total</b>       | <b>1,911</b>                   | <b>7,111<sup>14</sup></b> |

The statutory authority for the program is set to expire on July 1, 2017.<sup>15</sup>

<sup>10</sup> Section 25, ch. 2016-62, L.O.F.

<sup>11</sup> Email, Florida Department of Education, Government Relations (Feb. 2, 2017).

<sup>12</sup> Email, Staff of the House of Representatives PreK-12 Appropriations Subcommittee (Dec. 21, 2016).

<sup>13</sup> Email, Florida Department of Education, Government Relations (Feb. 2, 2017).

<sup>14</sup> Although there were 7,188 classroom teachers who were identified for a 2016 Best and Brightest scholarship award, a small percentage of teachers reported as eligible by their school districts could not be located in the DOE’s staff database for purposes of this statistical analysis. A number of factors could cause a record for the Best and Brightest program not to match the staff database, such as misspelled names, teachers on leave during the staff reporting window, name changes due to marriage or divorce, or other similar reasons. Email, Florida Department of Education (Feb. 20, 2017).

<sup>15</sup> Section 1012.731(8), F.S.

## Effect of Proposed Changes

The bill extends the Best and Brightest Teacher Scholarship Program through July 1, 2020, and revises eligibility criteria beginning with the 2020-2021 school year by:

- lowering the qualifying assessment score threshold from the 80th percentile to the 77th percentile based on the National Percentile Ranks in effect when the classroom teacher took the assessment;
- recognizing other national, standardized assessments that measure cognitive ability in lieu of the SAT or ACT;
- allowing an assessment score in the 71<sup>st</sup> percentile or higher to qualify if the applicant earned a baccalaureate degree with a designation of *cum laude* or higher; and
- allowing teachers to satisfy the highly effective rating requirement based solely on their value-added score calculated by the DOE.

The bill identifies the LSAT, GRE, GMAT, and MCAT as additional assessments on which classroom teachers can earn qualifying scores. The percentile requirements in the bill apply the same to these assessments as to the SAT and ACT. Allowing a teacher to use his or her VAM score to meet the “highly effective” requirement prevents subjective district evaluation criteria from affecting the teacher’s eligibility for a scholarship award.

### Best and Brightest Teacher Eligibility Requirements Under the Bill

Achieved a composite score at or above the 77<sup>th</sup> percentile on the SAT, ACT, LSAT, GRE, GMAT, or MCAT; **or**

Achieved a qualifying test score on a recognized assessment between the 71<sup>st</sup> and 76<sup>th</sup> percentile and earned a baccalaureate degree with a Latin honor designation of *cum laude* or higher

**and**

Has a district performance evaluation rating of “highly effective”; **or**

Is rated highly effective based solely on the state-calculated VAM score

The bill provides a scholarship amount of \$6,000 for each qualifying classroom teacher. In addition, through the 2019-2020 school year, the bill establishes yearly bonuses of \$1,200 for each classroom teacher rated highly effective and up to \$800 for each classroom teacher rated effective.

## **Best and Brightest Principal Scholarship Program**

### Present Situation

A school’s principal is the most critical influence on the school’s ability to recruit and retain the most effective teachers.<sup>16</sup> A quality school principal can reduce teacher burnout and increase retention rates, even in challenging school settings, by “providing recognition and support to teachers, working with staff to meet curriculum standards, and encouraging professional collaboration.”<sup>17</sup> It follows that principals have a significant effect in improving education outcomes for students, including at schools with a high-poverty student population.<sup>18</sup>

<sup>16</sup> See Claire Robertson-Kraft and Nate Bronstein, *Delaware Talent Co-operative: Final Report*, at 26 (2015) (on file with committee staff).

<sup>17</sup> Sean Kelly and Laura Northrop, *Early Career Outcomes for the “Best and the Brightest”: Selectivity, Satisfaction, and Attrition in the Beginning Teacher Longitudinal Survey*, 52 AM. ED. RESEARCH J. 624, at 650 (2015); Susanna Loeb and Michelle Reininger, *Public Policy and Teacher Labor Markets: What We Know and Why it Matters*, The Education Policy Center at Michigan State University, 2004, at 47.

<sup>18</sup> Rand Corporation, *School Leadership Interventions Under the Every Student Succeeds Act: Evidence Review*, at 25 (2016), available at [http://www.rand.org/content/dam/rand/pubs/research\\_reports/RR1500/RR1550-2/RAND\\_RR1550-2.pdf](http://www.rand.org/content/dam/rand/pubs/research_reports/RR1500/RR1550-2/RAND_RR1550-2.pdf).

Currently, the distribution of teachers who qualify for a Best and Brightest scholarship award is more heavily concentrated in non-Title I schools than in Title I schools.<sup>19</sup>

|                     | Best and Brightest 2017                  |   | State Teacher Distribution |
|---------------------|--|---|----------------------------|
|                     | Number Qualifying for Best and Brightest | Percent Qualifying for Best and Brightest |                            |
| Non-Title I Schools | 5,150                                    | 72%                                       | 52%                        |
| Title I Schools     | 1,946                                    | 27%                                       | 48%                        |
| N/A                 | 15                                       | 0%  | 0%                         |
| <b>Total</b>        | <b>7,111</b>                             | <b>100%</b>                               | <b>100%</b>                |

The law prohibits school districts from assigning more than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools graded “D” or “F”<sup>20</sup> and authorizes district-determined salary supplements for teachers assigned to Title I schools and schools rated “D” or “F.”<sup>21</sup> However, these provisions appear to have little effect on placing highly effective teachers with strong academic credentials in Title I schools.

“School administrators” include school principals, school directors, career center directors, and assistant principals.<sup>22</sup> Among other things, school principals are responsible for:

- fully supporting the authority of classroom teachers and school bus drivers regarding student discipline and conduct;
- providing instructional leadership in the development, revision, and implementation of a school improvement plan;
- making the necessary provisions to ensure accurate and timely compliance with statutory reporting requirements;
- the management and care of instructional materials; and
- facilitating parental involvement in their child’s education and providing information to parents regarding their child’s educational progress and available educational choices.<sup>23</sup>

When filling instructional positions<sup>24</sup> at the school level, the district school superintendent must consider nominations received from school principals of the respective schools in the school district. The superintendent then must make recommendations to the district school board regarding each position to be filled and the persons to fill such positions. The school board has discretion to approve or reject any of the superintendent’s recommendations.

Before transferring a classroom teacher from one school to another, the superintendent must consult with the principal of the receiving school and allow the principal to review the teacher’s records, student

<sup>19</sup> Email, Florida Department of Education, Government Relations (Feb. 2, 2017). A school’s Title I status is determined by the school district based on the number of students who qualify for certain federal assistance programs, such as free or reduced price lunch. *See* 20 U.S.C. s. 6313(a)(5) and (b)(1).

<sup>20</sup> *See* s. 1012.2315(2)(a), F.S.

<sup>21</sup> *See* s. 1012.22(1)(c)5.c., F.S.

<sup>22</sup> *See* s. 1012.01(3), F.S. Administrative personnel are K-12 personnel who perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and non-instructional administrators, as well as school administrators who perform administrative duties at the school-level. *Id.*

<sup>23</sup> Section 1001.54, F.S.

<sup>24</sup> Instructional personnel include classroom teachers; staff who provide student personnel services, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S.

performance results,<sup>25</sup> and interview the teacher. If a principal believes students would not benefit from the placement he or she may request an alternative placement subject to the approval by the superintendent.<sup>26</sup> However, the superintendent must accept the principal's decision to refuse placement or transfer of instructional personnel if the instructional personnel has a performance evaluation rating of needs improvement or unsatisfactory.<sup>27</sup>

These restrictions on personnel-related decision making can make it difficult for a principal to effectively and efficiently operate a school, particularly where a school is in significant need of improvement. Principals who have additional autonomy to establish favorable working conditions and a positive school climate can attract effective teachers, reduce teacher turnover, and improve morale.<sup>28</sup>

In 2016, the Legislature established the Principal Autonomy Pilot Program Initiative (PAPPI) within the 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.<sup>29</sup> 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 (SBE) for approval. A participating school must have earned 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.<sup>30</sup>

The program exempts participating schools from the K-20 Education Code and state board rules implementing such provisions, with some exceptions.<sup>31</sup> 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.<sup>32</sup> The principal also has greater budgeting authority to allocate resources to help improve student achievement.<sup>33</sup>

### Effect of Proposed Changes

The bill creates the Best and Brightest Principal Scholarship Program. Under the program, a principal may receive a scholarship award, as determined in the General Appropriations Act, if:

- he or she has served as principal at the school for at least the last 2 consecutive school years; and
- the faculty at his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80<sup>th</sup> percentile or higher, statewide, for that school type (elementary, middle, high, or combination).

By requiring a principal to have been at the school for at least 2 years to qualify, the principal will have demonstrated his or her influence on recruiting and retaining the most qualified teachers.

Further, because teacher effectiveness is essential to closing the achievement gap, including at schools with a high-poverty student population, the bill specifies that a greater award amount must be provided to a qualifying principal who is assigned to a Title I school.

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<sup>25</sup> As measured by the instructional personnel's performance evaluation. Section 1012.28(6), F.S.

<sup>26</sup> Section 1012.27(1)(b), F.S.

<sup>27</sup> Section 1012.28(6), F.S.

<sup>28</sup> Brenda Iasevoli, *Study Highlights Importance of Principals in Teacher-Retention Efforts*,

[http://blogs.edweek.org/edweek/teacherbeat/2016/09/principals\\_hold\\_the\\_key\\_to\\_ret.html?cmp=e-ml-eb-popweek+09302016](http://blogs.edweek.org/edweek/teacherbeat/2016/09/principals_hold_the_key_to_ret.html?cmp=e-ml-eb-popweek+09302016) (last visited Feb. 15, 2017).

<sup>29</sup> Chapter 2016-223, L.O.F. *Codified at* ss. 1012.28(8), and 1011.6202, F.S.

<sup>30</sup> Section 1011.6202(2)(a)1. and 2., F.S.

<sup>31</sup> *See* s. 1011.6202(3), F.S.

<sup>32</sup> Section 1012.28(8)(a), F.S.

<sup>33</sup> Section 1012.28(8)(b), F.S.



The bill requires each school district, by December 1 each year, to provide the name and master school identification (MSID) number of each school in the district to which a teacher eligible for a Best and Brightest Teacher Scholarship Program award is assigned. The district must also provide the name of the school principal of each eligible teacher's school if he or she has served as the school's principal for at least 2 consecutive school years, including the current school year. This will allow the DOE to identify qualifying principals for the purpose of disbursing monetary awards.

By February 1 each year, the DOE must identify qualifying principals and disburse funds to each school district for each eligible principal to receive the award. By April 1, each school district, charter school governing board, and the Florida School for the Deaf and the Blind must provide payment of the award to each eligible principal.

In addition to the monetary award, the bill requires school districts to provide a principal designated as best and brightest with the same autonomy principals participating in PAPPI have concerning budgetary and personnel decisions.

The bill specifies that the term "school district," for purposes of the Best and Brightest Principal Program, includes the Florida School for the Deaf and the Blind and charter school governing boards.

## **School Improvement**

### *Differentiated Accountability*

#### Present Situation

"Differentiated accountability" (DA) references the escalating interventions and supports that must be provided to schools earning school grades of "D" or "F" under Florida's statewide accountability system in order to help them improve student performance.<sup>34</sup> The SBE is responsible for holding all school districts and public schools accountable for student performance through a state system of school improvement and education accountability that assesses student performance by school, identifies schools that are not meeting accountability standards, and institutes appropriate measures for enforcing improvement.

The state system of school improvement and education accountability must:

- provide for uniform accountability standards;
- provide assistance of escalating intensity to schools not meeting accountability standards;
- direct support to schools in order to improve and sustain performance;
- focus on the performance of student subgroups; and
- enhance student performance.

School districts must be held accountable for improving the academic performance of all students and for identifying and improving schools that fail to meet accountability standards.

The academic performance of all students has a significant effect on the state school system. The SBE must equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students.

The DOE must annually identify each public school in need of intervention and support to improve student academic performance. All schools earning a grade of "D" or "F" are schools in need of intervention and support.

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<sup>34</sup> See s. 1008.33, F.S.; rule 6A-1.099811, F.A.C.

The SBE must adopt a differentiated matrix of intervention and support strategies for assisting public schools identified as in need of intervention. The intervention and support strategies must address student performance and may include improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, and the use of continuous improvement and monitoring plans and processes. In addition, the SBE may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of “D” or “F” and the roles for the district and department. The rule must differentiate among schools earning consecutive grades of “D” or “F,” or a combination thereof, and provide for more intense monitoring, intervention, and support strategies for these schools.

The SBE must apply the most intense intervention and support strategies to schools earning an “F.” Within a year after receiving the first “F,” the school district must implement a differentiated matrix of intervention and support strategies, select a turnaround option, and submit a plan for implementing the turnaround option to the DOE.

Of Florida’s approximately 3,500 public schools, 461 (13 percent) are currently subject to DA requirements.<sup>35</sup> As of the 2015-2016 school year, 176 schools have been in DA status, meaning they have earned a “D” or “F,” for 3 or more consecutive years.<sup>36</sup>

| <b>2015-2016 Schools in DA for 3 or More Years</b> |                  |  |   |
|--|------------------|--|---|
| <b># of Years in DA</b>                            | <b># Schools</b> | <b>Avg % Scoring Lvl 3+ ELA assessment</b> | <b>Avg % Scoring Lvl 3+ Math assessment</b> |
| 3  | 61               | 27.4%                                      | 33.5%                                       |
| 4  | 54               | 33.9%                                      | 33.3%                                       |
| 5+   | 61               | 24.7%                                      | 28.6%                                       |
| <b>Total</b>                                       | <b>176</b>       | <b>28.67%</b>                              | <b>31.8%</b>                                |

Although intensive interventions and supports are provided by school districts and the DOE under the law, many schools fail to make sufficient improvement to demonstrate that their students are being adequately served. This highlights lax provisions in the law that allow school districts to maintain operation of low-performing schools, even for up to 10 years.<sup>37</sup> The plan must be approved by the SBE. Upon approval, the turnaround option must be implemented in the following school year. A school that earns a grade of “D” for 3 consecutive years must implement the district-managed turnaround option.

Turnaround options include:

- converting the school to a district-managed turnaround school;
- reassigning students to another school and monitor the progress of each reassigned student;
- closing the school and reopening the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness;
- contracting with an outside entity that has a demonstrated record of effectiveness to operate the school; or
- implementing a hybrid of the above turnaround options or other turnaround models that have a demonstrated record of effectiveness.

A school earning a grade of “F” must have a planning year followed by 2 full school years to implement the initial turnaround. Implementation of the turnaround option is no longer required if the school improves by at least one letter grade during the planning year.

<sup>35</sup> Florida Department of Education, *Turning Around Low Performing Schools: hearing before the House PreK-12 Quality Subcommittee* (Jan. 25, 2017).

<sup>36</sup> Email, Florida Department of Education, Office of Government Relations (Mar. 22, 2017).

<sup>37</sup> Northwestern Middle School has received a “D” or “F” for the last 10 school years. *See id.*



A school earning a grade of “F” or 3 consecutive grades of “D” that improves its letter grade must continue to implement strategies identified in its school improvement plan pursuant to s. 1001.42(18)(a). The department must annually review implementation of the school improvement plan for 3 years to monitor the school’s continued improvement. The department must annually review implementation of the school improvement plan for 3 years to monitor the school’s continued improvement.

If a school with an “F” or 3 consecutive grades of “D” does not improve by at least one letter grade after 2 full years of implementing the turnaround option, the school district must select a different option and submit another implementation plan to the department for state board approval. Implementation of the new plan must begin the school year following the implementation period of the existing turnaround option, unless the SBE determines that the school is likely to improve a letter grade if additional time is provided to implement the existing turnaround option.

In *Citizens for Strong Schools v. Florida State Board of Education et al*,<sup>38</sup> the trial court stated that “[t]here can be little doubt that allowing a school to remain in F status for an extended period of time raises serious issues regarding the constitutional acceptance of such an event. While the Department of Education’s hands may be tied by the legislation that it is required to follow, the Legislature is not similarly situated.” While “the State cannot be held liable for ineffective operational, control, and supervisory decisions at the local level, the court would be concerned about how long the Legislature would tolerate a local school board’s ineffectual operation that involves the presence of long term “F” schools.”<sup>39</sup> “This is especially true since the . . . evidence shows that an “F” school can be turned around without additional resources being provided.”<sup>40</sup>

### Effect of Proposed Changes

The bill requires school districts to respond more quickly to provide interventions and supports for struggling schools. Under the bill, an educational emergency exists if one or more schools in a school district earns a grade of “D” or “F.” Once an educational emergency exists, the district must negotiate a memorandum of understanding with its teacher union to provide students at the school with effective teachers and administrators. In addition, the commissioner must assign a community assessment team to review the performance of these schools and identify strategies to address the school’s low performance. The team is made up of a department representative, parents, business representatives, educators, representatives of local governments, and community activists. The bill requires the team to make recommendations based on effective intervention and support strategies identified by the commissioner<sup>41</sup> for incorporation into the school’s improvement plan.

If a school earns two consecutive grades of “D” or a grade of “F,” it must immediately implement a differentiated matrix of intervention and support strategies and, by September 1, provide the DOE with the memorandum of understanding it must execute as a result of the educational emergency. The school district must also submit a district managed turnaround plan to the SBE by October 1.

The bill also revises requirements related to the matrix of intervention and support strategies to include curriculum alignment across grade levels to improve background knowledge in social studies, science, and the arts.

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<sup>38</sup> Case No. 2014 CA 2786, (Fla. Jud. Cir.), *appeal filed*, Case No. 16-2862, (Fla. 1st DCA 2016).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* “The Court also concludes that local school boards, pursuant to their constitutional responsibility to ‘operate, control and supervise’ schools and to ‘determine the rate of school district taxes’ in support of schools, are ‘part of the state system of public education’ and play a very important role in delivering education in Florida. To the extent that Plaintiffs complain about particular levels of student performance or the availability of resources in particular schools, those are matters within the authority of local school boards.” *Id.* at 14.

<sup>41</sup> The Commissioner of Education is required to report intervention and support strategies used by school districts whose students in both the highest and lowest quartiles exceed the statewide learning growth for students in those quartiles. *See* s. 1008.345(5)(b), F.S.

Upon approval by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year. The SBE may allow an additional year of implementation if the SBE determines the school is likely to improve to a “C” or higher after the first full school year of implementation. If the school’s grade does not improve to a “C” or higher after the additional year (its fourth consecutive grade below a “C”), or after the first full year of implementation if an additional year is not granted, the school must select from the following turnaround options:

- reassign students to another school and monitor the progress of each student;
- close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness; or
- contract with an outside entity that has a demonstrated record of effectiveness to operate the school. The outside entity may include a district-managed charter school in which all instructional personnel are not employees of the school district but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

The bill deletes the option to implement a hybrid of multiple turnaround options, which has generally consisted of district-managed turnaround with an external operator. A school currently implementing a turnaround option plan will be able to complete its turnaround option plan and may receive additional time to implement the plan if the state board determines the school is likely to improve to a “C.”

|  | Current Law  | Proposed Changes   |
|--|--|--|
| <b>When must a school submit a turnaround plan? What turnaround options are available?</b> | The year following a grade of “F” or third consecutive grade of “D.” <ul style="list-style-type: none"> <li>• District-managed turnaround (chosen by 96% of schools);</li> <li>• Close and reassign the students; (chosen by 1.3% of schools)</li> <li>• Close and reopen as a charter school;</li> <li>• Contract with an outside entity; or</li> <li>• Hybrid Option (chosen by 2.7% of schools).</li> </ul> | The year following a grade of “F” or two consecutive grades of “D.” <ul style="list-style-type: none"> <li>• District-managed turnaround must be used as the first option and may not be used as any subsequent option;</li> <li>• Close and reassign the students;</li> <li>• Close and reopen as a charter school;</li> <li>• Contract with an outside entity, which may include a district-managed charter school.</li> </ul> |
| <b>How long can a school continue to fail?</b>   | 9 years.   | 6 years.   |

Under the bill, a school is required to implement a district-managed turnaround plan if it earns two consecutive grades of “D” (2015-2016 and 2016-2017) or a grade of “F” (2016-2017).

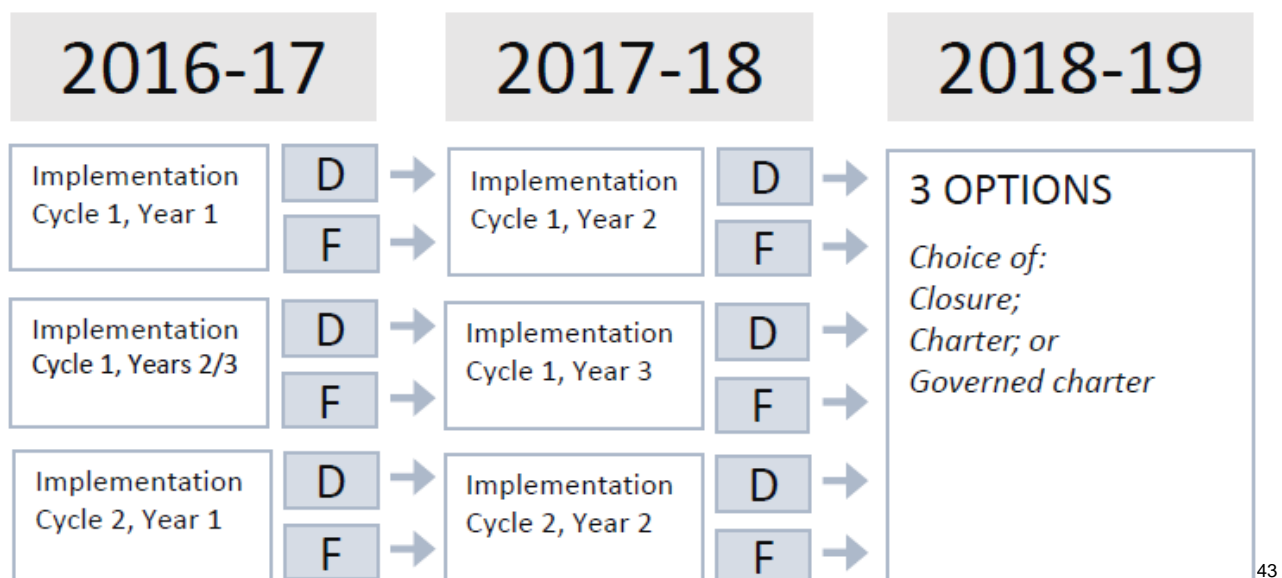
The following table indicates the number of schools that must implement a turnaround option in the 2017-2018 school year based on school grades data for the 2016-2017 school year.<sup>42</sup>

| Years in DA as of 2017-2018 school year                                  | Number of Schools | Required Action under the Bill  |
|--|-------------------|---|
| Year 1 - District managed turnaround (First or second “F” or second “D”) | 90 schools        | Implement through 2018-2019 school year, unless granted extra year by the SBE. Must implement different turnaround option (closure, |

<sup>42</sup> See Florida Department of Education, *Memorandum: House Bill 7069 Changes to School Improvement, DPS: 2017-92, Attachment B* (July 18, 2017).

|                           |            |  |
|---------------------------|------------|--|
|                           |            | charter, or contract with outside entity) beginning with the 2019-2020 school year.  |
| Year 2 of first DA cycle  | 26 schools | Implement through 2017-2018 year, unless granted extra year by the SBE. Must implement different turnaround option (closure, charter, or contract with outside entity) beginning with the 2018-2019 school year. |
| Year 3 of first DA cycle  | 3 schools  | Implement through 2017-2018 school year. Must implement different turnaround option (closure, charter, or contract with outside entity) beginning with the 2018-2019 school year.                                |
| Year 2 of second DA cycle | 12 schools | Implement through 2017-2018 school year. Must implement different turnaround option (closure, charter, or contract with outside entity) beginning with the 2018-2019 school year.                                |

Schools currently implementing a turnaround option plan may complete the plan before it must select another option under the bill.



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### School Improvement Planning

#### Present Situation

With the exception of charter schools that earn a grade of “A”, “B” or “C,”<sup>44</sup> all Florida public schools must have a school improvement plan that is developed and implemented by the school’s advisory council.<sup>45</sup> If a school has a significant gap in achievement on statewide, standardized assessments<sup>46</sup> by

<sup>43</sup> See *id.*

<sup>44</sup> Section 1002.33(9)(n), F.S., requiring a school improvement plan for charter schools earning a grade of “D” or “F.”

<sup>45</sup> Sections 1001.42(18)(a) and 1001.452(2), F.S. SACs are composed of principals, teachers, educational support personnel, parents, students, local business representatives, and community members. Section 1001.452(1)(a), F.S. SACs are responsible for developing and implementing the school’s improvement plan, assisting in the development of the school’s budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards. Sections 1001.452(2) and 1008.36(4), F.S.

<sup>46</sup> Statewide, standardized assessments include statewide, standardized assessments for English language arts (grades 3-10) and mathematics (grades 3-8); end-of-course assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; the Statewide Science Assessment (grades 5 and 8), and their associated alternate assessments for students with significant cognitive disabilities. See s. 1008.22(3), F.S.

one or more student subgroups;<sup>47</sup> has not significantly increased the percentage of students passing statewide, standardized assessments;<sup>48</sup> has not significantly increased the percentage of students demonstrating learning gains as determined using the school grade calculation<sup>49</sup> who passed statewide, standardized assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate,<sup>50</sup> the school's improvement plan must include strategies for improving those results.<sup>51</sup>

For non-charter schools earning a “D” or “F” in the most recent grades release and schools that improved from an “F” to a “C” or higher within the last three years, development and implementation of the plan is based on a form developed by the DOE.<sup>52</sup> In such cases, the plan must be submitted through the Continuous Improvement Management System (CIMS).<sup>53</sup> The DOE reviews, approves, and also monitors implementation of the plan.<sup>54</sup> Schools that earn a “D” three years in a row or that earn an “F” are assigned a community assessment team, which reviews the school's performance data to determine causes for the low performance, including the role of school, area, and district administrative personnel.<sup>55</sup>

### Effect of Proposed Changes

To reduce paperwork and time associated with school improvement planning, the bill eliminates the requirement that schools with a grade above a “D” develop and implement a school improvement plan, except for schools that must implement strategies to address a deficiency enumerated above.

### *Charter School Requirements*

#### Present Situation

Charter schools that earn a grade of “D” or “F” must develop a school improvement plan, which must be approved by the sponsor.<sup>56</sup> Corrective actions are required for charter schools earning three consecutive grades of “D,” two consecutive grades of “D” followed by a grade of “F,” or two nonconsecutive grades of “F” within a three-year period. Such a charter school may choose to:

- contract for educational services to be provided directly to students, instructional personnel, and school administrators;
- contract with an outside entity with a track record of effectiveness to operate the school;
- hire a new director or principal who has authority to hire new staff; or
- voluntarily close the school.<sup>57</sup>

The charter school must implement the corrective action in the school year following receipt of a third consecutive grade of “D,” a grade of “F” following two consecutive grades of “D,” or a second

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<sup>47</sup> Subgroups include economically disadvantaged students, students from major racial/ethnic groups, students with disabilities, and students with limited English proficiency. 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

<sup>48</sup> A Level 3, Level 4, or Level 5 constitutes a passing score on statewide, standardized assessments. Section 1008.34(1)(a), F.S.

<sup>49</sup> See s. 1008.34(3)(b), F.S.

<sup>50</sup> Section 1008.34(3)(b)2.a., F.S.

<sup>51</sup> Section 1001.42(18)(a)1., F.S.

<sup>52</sup> See Florida Department of Education, *Form DA-2 Checklist for Focus and Priority Schools* (Dec. 2014), available at <https://www.flrules.org/gateway/reference.asp?No=Ref-04620> (incorporated by reference in rule 6A-1.099811, F.A.C.).

<sup>53</sup> CIMS is a web application developed by the DOE's Bureau of School Improvement to provide district and school teams with an online platform for collaborative planning and problem solving as well as a public site for stakeholders to access approved plans. Florida Department of Education, Bureau of School Improvement, *Welcome to CIMS*, <https://www.floridacims.org/> (last visited Aug. 17, 2016).

<sup>54</sup> Florida Department of Education, Bureau of School Improvement, *Frequently Asked Questions: SIP*, <https://www.floridacims.org/faqs?category=sip> (last visited Sept. 8, 2016).

<sup>55</sup> Section 1008.345(6)(d), F.S.

<sup>56</sup> Section 1002.33(9)(n)1., F.S.

<sup>57</sup> Section 1002.33(9)(n)2.a., F.S.

nonconsecutive grade of “F” within a 3-year period.<sup>58</sup> Corrective actions are no longer required if the charter school improves by at least one letter grade; however, the school must continue to implement its school improvement plan.<sup>59</sup> If a charter school does not improve by at least one letter grade after two full school years of implementing a corrective action, the school must choose another action.<sup>60</sup>

A charter school’s contract is automatically terminated if the school earns two consecutive grades of “F,” unless the charter school:

- is established to turn around the performance of a district public school;
- serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of “F” in the year before the charter school opened and the charter school earns at least a grade of “D” in its third year of operation; or
- is granted a waiver of termination by the SBE.<sup>61</sup>

A sponsor may terminate, at any time, a charter school that is required to implement a school improvement plan or corrective actions; however, this discretionary authority does not extend to charter schools that meet an exception to mandatory termination.<sup>62</sup>

The director and a representative of a charter school that is required to implement a school improvement plan or corrective action must annually appear before the sponsor to report the progress of the corrective strategies being implemented by the school.<sup>63</sup>

### Effect of Proposed Changes

The bill requires corrective actions be taken by a charter school if the school earns three consecutive grades below a “C” and requires the corrective action be implemented in the school year following the third consecutive “C.” The bill provides that corrective actions are no longer required if the charter school grade improves to a “C” or higher. The bill permits an exception to a “double ‘F’” termination for a charter school that serves a majority of students who are zoned for a school that earns two consecutive grades of “D” or a grade of “F.”

## **Schools of Hope**

### Effect of Proposed Changes

The bill provides for the establishment of schools of hope to provide students in areas of persistently low-performing schools with a unique, high-quality education option designed to close the opportunity gap and increase student achievement. The bill defines a persistently low-performing school as a school that has earned three consecutive school grades below a “C.”

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<sup>58</sup> Section 1002.33(9)(n)2.b., F.S.

<sup>59</sup> Section 1002.33(9)(n)2.d., F.S.

<sup>60</sup> Section 1002.33(9)(n)2.c. and e., F.S. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action. The sponsor may waive corrective actions if it determines that the charter school is likely to improve its grade if additional time is given to implement the school improvement plan. The sponsor may also extend the implementation period for a corrective action based upon a similar standard. The sponsor may not waive or extend corrective actions if the charter school earns a second consecutive grade of “F” while in corrective action. *Id.* Unless an exception applies, such a charter school must be terminated by the sponsor. Section 1002.33(9)(n) 4, F.S.

<sup>61</sup> Section 1002.33(9)(n)4., F.S.

<sup>62</sup> Section 1002.33(9)(n)6., F.S.

<sup>63</sup> Section 1002.33(9)(n)5., F.S.

Based on 2016-2017 school grades data, 90 schools from 24 school districts meet the definition of a persistently low-performing school.<sup>64</sup> The school districts and the number of persistently low-performing schools in each district are as follows:

|         |   |              |    |         |   |            |    |
|---------|---|--------------|----|---------|---|------------|----|
| Alachua | 1 | Desoto       | 1  | Lee     | 2 | Palm Beach | 5  |
| Bay     | 2 | Duval        | 7  | Leon    | 1 | Pinellas   | 3  |
| Brevard | 1 | Escambia     | 5  | Madison | 1 | Polk       | 10 |
| Broward | 5 | Gadsden      | 2  | Manatee | 4 | Putnam     | 4  |
| Collier | 1 | Hamilton     | 2  | Marion  | 2 | St. Lucie  | 1  |
| Dade    | 5 | Hillsborough | 20 | Orange  | 4 | Seminole   | 1  |

The bill defines a school of hope as a charter school operated by a hope operator to serve students from one or more persistently low-performing schools; is located within the attendance zone of the persistently low-performing school or within a five mile radius of the school, whichever is greater; and is a Title I eligible school. The bill defines hope operators as nonprofit organizations that operate three or more charter schools with a record of serving students from low-income families and receives the designation from the SBE. In determining hope operator status, the SBE must determine whether the past performance of the operator meets or exceeds the following criteria:

- Student achievement results which must exceed the district and state averages in the state in which the school operates
- College attendance rates at all schools currently operated by the entity which must exceed 80 percent
- The percent of students enrolled at all schools currently operated by the entity eligible for a free or reduced price lunch which must exceed 70 percent
- The operator is in good standing with the authorizer in each state in which it operates
- The audited financial statements of the operator are free of material exceptions and going concern issues
- Other outcome measures determined by the SBE

A hope operator may also qualify if the operator:

- was awarded a U.S. Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the past 3 years;
- receives funds through the National Fund of the Charter School Growth Funds; or
- is selected by a district school board as part of the turnaround process requirements under the bill.

Once measurable criteria is established by the SBE, any operator seeking status as a hope operator must meet the criteria in order to qualify. The bill authorizes initial hope operator status to be valid for up to 5 years. If a hope operator seeks renewal of its status, renewal is solely based on the academic and financial performance of all schools established in Florida by the hope operator since its initial designation.

The bill requires that a hope operator submit a notice of intent in order to open a school of hope in the school district where a persistently low-performing school has been identified.

The bill requires the notice of intent to include:

- an academic focus and plan;
- a financial plan;

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<sup>64</sup> Email, Florida Department of Education, Office of Government Relations (Sept. 19, 2017). Schools that would have been designated as a persistently low-performing school but were closed or converted to a charter school pursuant to s. 1008.33(4), F.S., are not included in this number. *Id.*

- the goals and objectives for increasing student achievement for student from low-income families;
- a completed or planned community outreach plan;
- the organizational history of working with students with similar demographics;
- the grade levels to be served and enrollment projections;
- the proposed location proposed for the school and its proximity to the persistently low-performing school; and
- a staffing plan.

The school district must enter into a performance based agreement with a hope operator within 60 days of receiving a notice of intent. The performance based agreement must:

- incorporate the notice of intent;
- identify the location proposed for the school and its proximity to the persistently low-performing school;
- enumerate the grades to be served each year of the agreement and whether the school will serve children in school readiness or prekindergarten;
- describe the plan of action and specific milestones for student recruitment and enrollment of students from persistently low-performing schools, including enrollment preferences and procedures for conducting transparent admissions lotteries. Students from persistently low-performing schools are exempt from any enrollment lottery to the extent permitted by federal grant requirement;
- establish the current incoming baseline standard of student academic achievement, the outcomes to be achieved and the method of measurement that will be used;
- describe the methods of involving parents and expected levels for the involvement;
- describe the grounds for termination, including failure to meet the requirements for student performance, generally accepted standards of fiscal management or material violation of the terms of the agreement. The nonrenewal or termination of a performance based agreement must comply with the requirements of s. 1002.33(8);
- allow the hope operator to open additional schools to serve students zoned for a persistently low-performing school;
- provide for an initial term of at least five years. The agreement must be renewed, unless the school fails to meet the requirements for student performance, the generally accepted standards of fiscal management or the school materially violates the law or terms of the agreement;
- require transportation of students to conform to statutory guidelines. The governing body of the school may provide transportation through an agreement with the district school board, a private provider or parents. Transportation cannot be a barrier to equal access for student residing in a reasonable distance of school;
- require that any agreement to borrow or secure funds from a source other than the state or school district must indemnify the state and school district from any and all liability;
- provide that any financial agreement entered into by the hope operator is not an obligation of the state or school district and is payable only from funds pledged by such agreement; and
- prohibit the pledge of credit or taxing power of the state or school district.

The bill requires a school district that fails to enter into a performance based agreement within 60 days to reduce the charter school administrative fee to one percent for all charter schools operating in the district. Upon successful execution of the performance based agreement, the district may resume withholding the full administrative fee but may not recover previous lost fees. The bill allows an aggrieved charter school to recover attorney's fees and costs in actions to recover withheld administrative fees.

The bill requires that disputes between hope operators and school districts regarding performance based agreements be submitted to a magistrate that is agreed to by both parties. If the parties are unable to agree, the dispute will be submitted to a qualified magistrate appointed by the Commissioner of Education. The bill requires the magistrate to hold hearings and make recommendations to the SBE,

which may not alter the statutory provisions of performance agreements. The final decision of the SBE may be appealed to the First District Court of Appeals. The bill permits the hope operator to recover attorney's fees and cost if the SBE determines the district acted unlawfully with regard to the performance agreement.

The bill requires the SBE to:

- publish an annual list of persistently low-performing schools;
- adopt a standard notice of intent and performance based agreement to be used by hope operators and school boards;
- resolve disputes between a hope operator and a school district arising from a performance-based agreement or a contract, including the appointment of a special magistrate to hold hearings and render decisions regarding disputes; and
- provide students in persistently low-performing schools with a public school that meets accountability standards.

The bill addresses the conditions that allow a school to persistently fail to meet the needs of its students, while recognizing a school district's authority to operate, control, and supervise schools within the district, by requiring a school district with a persistently low-performing school to enter into a performance based agreement with a hope operator who has submitted a notice of intent. However, the SBE, in the exercise of its supervisory authority, may contract with a hope operator if the school district fails to do so. Unlike *Duval County School Board*,<sup>65</sup> the bill authorizes the SBE to exercise its supervisory authority only when a school district fails to fulfill its constitutional duty. If the SBE enters into a performance based agreement with a hope operator, the district must transfer to the school of hope the proportionate share of state funds allocated from the FEFP.

The bill provides hope operators with the following statutory authority:

- allows a school of hope to be designated as a local educational agency for the purposes of receiving federal funds;
- provides that, for the purpose of tort liability, the operator, school of hope and its employees or agent are subject to the same waiver of sovereign immunity in tort actions as the state, state agencies and or subdivisions. The sponsor is not liable for civil damages under state law for the employment actions or personal injury, property damage or death resulting from an act or omission of an operator, the school of hope and its employees or agents (this does not apply to any for-profit entity contracted by the charter school or by the charter school's governing body);
- allows a school of hope to be either a private or public employer and provides that employees of a public employer must be compulsory members of the Florida Retirement System;
- allows a hope operator to employ staff that do not meet the educator certification requirements, so long as the school disqualifies staff from employment in any position that requires direct contact with students if the staff member is statutorily disqualified for such employment; and
- allows calculation for class size compliance to be the average at the school level.

The bill provides that schools of hope are exempt from chapters 1000-1013 of the Florida Statutes and all board polices, except statutes pertaining to:

- the student assessment program and school grading;
- student progression and graduation;
- services to students with disabilities
- civil rights and discrimination;
- student health, safety and welfare;

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<sup>65</sup> In *Duval County School Board v. State Board of Education*, 998 So. 2d 641 (Fla. 1st DCA 2008), several school districts challenged s. 1002.335 F.S., which created an independent state-level entity that could directly authorize the creation of charter schools. School districts could retain exclusive authority to sponsor charter schools if approved by the state board. The court found that the law was facially unconstitutional because it created a parallel system of free public education outside the control of locally elected school boards.



- public meetings and records public inspection and criminal and civil penalties;
- public records; and
- code of ethics for public officers and employees.

The bill provides that a school of hope must utilize facilities that comply with the Florida Building Code except for the State Requirements for Educational Facilities. Schools of hope that utilize school district facilities must comply with the State Requirements for Educational Facilities only if the school district and hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan must have a provision requiring the district school board to maintain the school facilities in the same manner as its other public schools within the district.

The local governing authority cannot impose any local building requirements or site-development restrictions that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. The local governing authority must treat school of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The local municipality is the agency with jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use. If in an unincorporated area, the authority is placed with the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school has the right to bring an action in circuit court to enforce its rights by injunction.

The bill provides that facilities of a school of hope are exempt from a number of taxes, fees and assessments. The bill also provides that a number of existing community and state facilities may provide space to schools of hope.

The bill requires each district to annually provide a list of its underutilized, vacant or surplus property and facilities to the DOE. A hope operator operating a school of hope may utilize an underutilized, vacant, or surplus educational facility at no cost or at a mutually agreed cost not to exceed \$600 per student. The hope operator cannot sell or dispose of the facility without written permission from the school district. The bill defines underutilized, vacant, or surplus property as an entire, or portion of, a property that is not fully used (or used irregularly or intermittently) by the school district for instructional or program use.

### *Schools of Hope Funding*

The bill provides that a school of hope is funded in the same manner as other charter schools and traditional schools. A school of hope is considered a charter school for purposes of charter capital outlay, but may not use the funds to purchase real property or construct school facilities. In addition, the bill provides a school of hope with priority in the DOE's Public Charter School Grant Program competitions.

The bill establishes the Schools of Hope Program within the DOE to provide a school of hope funds for the following eligible expenditures:

- Preparing teachers, school leaders, and specialized instructional support personnel, including costs associated with:
  - providing professional development; and
  - hiring and compensating teachers, school leaders, and specialized instructional support personnel for services beyond the school day and year.
- Acquiring supplies, training, equipment, and educational materials including developing and acquiring instructional materials.
- Providing one-time, startup costs associated with providing transportation to students to and from the charter school.
- Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.

- Providing funds to cover the nonvoted ad valorem millage that would otherwise be required for schools and the required local effort funds when the state board enters into an agreement with a hope operator.

The program must also provide financial awards for up to 25 traditional public schools that are required to submit a turnaround plan to the SBE. Based upon the strength of an eligible school's plan, including its focus on evidence-based interventions and wrap-around services, the school can receive up to \$2,000 per student. The bill defines wrap-around services to include tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education.

At a minimum, the turnaround plan for an eligible school must:

- establish wrap-around services that develop family and community partnerships;
- establish clearly defined and measurable high academic and character standards;
- increase parental involvement and engagement in the child's education;
- describe how the school district will identify, recruit, retain, and reward instructional personnel;
- identify a knowledge-rich curriculum that the school will use that focuses on developing a student's background knowledge; and
- provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.

The bill authorizes the SBE to waive performance pay schedule and personnel evaluation requirements to help a school in the program to implement its turnaround plan. The bill requires the SBE to prioritize awards for plans that are based on whole school transformation and are developed in consultation with the school's principal. The SBE must also annually report on the implementation of the program and provide summarized academic performance reports of each participating school.

The bill establishes the Schools of Hope Revolving Loan Program within the DOE. The purpose of the program is to provide assistance to charter schools to meet school building construction and to pay for expenses related to starting up a new charter school. The fund will be composed of legislatively appropriated funding, repaid loan funding, and interest earned. The bill requires that all repayments of principal and interest be returned to the loan fund and made available for loans to other applicants.

The bill limits funds provided through the program to 25 percent of the total cost of the project. The total cost of the project must be calculated based on 80 percent of the cost per student station multiplied by the capacity of the facility. The interest rate on loans from the fund may be used to defray the costs of administration. The rate must be the lower of the rate paid on monies held in the fund or a rate equal to 50 percent of the statewide maximum bond interest rate authorized pursuant to state law.

A hope operator that has been designated by the state board and has executed a performance based agreement shall receive a loan for projects that are located in the attendance area of a persistently low-performing school or within a five mile radius and primarily serve students from low-performing schools.

The bill allows the department to select a third-party administrator to administer the program and report annually to the department. However, the department must continue to administer the program until a third-party administrator is selected. The department must post on its website the projects that have received loans, the geographic distribution of the projects, the status of the projects, the costs of the program, and student outcomes.

Funds appropriated for the program which but are not disbursed by June 30 of the fiscal year in which they are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.

## **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,<sup>66</sup> 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.<sup>67</sup>

### *School Grades*

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.<sup>68</sup> School grades are also used to determine whether a school must select or implement a turnaround option<sup>69</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>70</sup>

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 points<sup>71</sup>

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.<sup>72</sup> 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).

| School Grades Models            |                          |                          |                                   |                                      |                                |                            |                                      |
|---------------------------------|--------------------------|--------------------------|-----------------------------------|--------------------------------------|--------------------------------|----------------------------|--------------------------------------|
| Basic/Elementary (700 Points)   |                          |                          | Middle School (Basic +200 Points) |                                      | High School (Basic+300 Points) |                            |                                      |
| English Language Arts           | Mathematics              | Science                  | Civics EOC Assessment             | Acceleration Success                 | U.S. History EOC Assessment    | Graduation Rate            | Acceleration Success                 |
| <b>Achievement (0% to 100%)</b> | Achievement (0% to 100%) | Achievement (0% to 100%) | Achievement (0% to 100%)          | Percentage of students who pass high | Achievement (0% to 100%)       | Overall, 4-year graduation | Percent of students eligible to earn |

<sup>66</sup> 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.stml> (last visited Mar. 13, 2017).

<sup>67</sup> Section 3, ch. 1997-212, L.O.F.

<sup>68</sup> 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.

<sup>69</sup> See s. 1008.33(4), F.S.

<sup>70</sup> See s. 1008.26, F.S.

<sup>71</sup> Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

<sup>72</sup> See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

|   |  |  |  |  |  |                   |  |
|---|--|--|--|--|--|-------------------|--|
| <b>Learning Gains (0% to 100%)</b>            | Learning Gains (0% to 100%)            |  |  | school EOC assessments & industry certifications |  | rate (0% to 100%) | college credit through AP, IB, AICE, dual enrollment, or earn industry certification |
| <b>Learning Gains of Low 25% (0% to 100%)</b> | Learning Gains of Low 25% (0% to 100%) |  |  | (0% to 100%)                                     |  |                   | (0% to 100%) <sup>73</sup>   |

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.<sup>74</sup>

### School Recognition

The Florida School Recognition Program was created in 1997 to recognize the "outstanding faculty and staff in highly productive [public] schools."<sup>75</sup> The program provides public recognition and financial awards to schools sustaining high student performance or schools that demonstrate exemplary improvement in student performance.<sup>76</sup> Funds were first awarded to eligible schools in the 1999-2000 school year.<sup>77</sup>

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.<sup>78</sup> In addition, alternative schools that maintain a "commendable" rating or improve at least one improvement-rating level are also eligible for awards.<sup>79</sup>

Financial awards may be used for:

- Nonrecurring bonuses for faculty and staff;
- Nonrecurring expenditures for educational equipment or materials; or
- Temporary personnel to assist in maintaining and improving student performance.<sup>80</sup>

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

<sup>73</sup> 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.

<sup>74</sup> See s. 1008.34(3)(a), F.S.

<sup>75</sup> 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.

<sup>76</sup> 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.stml> (last visited Mar. 13, 2017).

<sup>77</sup> *Id.*

<sup>78</sup> 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.

<sup>79</sup> 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.*

<sup>80</sup> Section 1008.36(5), F.S.

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.

### 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 SBE 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 80<sup>th</sup> 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 80<sup>th</sup> 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.<sup>81</sup> 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.

## **Early Warning Systems**

### Present Situation

Currently, schools with a 6th, 7th or 8th grade class must implement an early warning system (EWS) to identify students who need additional support to improve academic performance. The EWS must include the following early warning indicators:

- Attendance below 90 percent
- One or more suspensions
- Course failure in English language arts or math
- A Level 1 score on the statewide, standardized assessment in English language arts or math.
- Additional indicators deemed appropriate by the school district.

The schools' child study team or a school-based team must convene to determine appropriate intervention strategies when a student exhibits two or more early warning indicators. The school must

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<sup>81</sup> See text accompanying notes 234-237, *infra*, for the requirements for renewal of a professional educator certificate.

provide 10 days' written notice of the meeting to the parent. The notice must include the meeting's purpose, time and location and provide the parent the opportunity to participate.<sup>82</sup>

Schools with a 6th, 7th or 8th grade class must include data and information in its school improvement plan regarding the schools early warning system. The information must include:

- a list of the early warning indicators used;
- the number of students who have two or more early warning indicators;
- the number of students in each grade that exhibits each early warning indicator; and
- a description of all intervention strategies used to improve academic performance of students identified by the early warning system.

The school must also describe in its school improvement plan the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system.<sup>83</sup>

### Effect of Proposed Changes

The bill expands the use of an EWS from schools with a 6th, 7th or 8th grade class to schools that serve any students in kindergarten through grade 8.

The bill clarifies that the EWS indicator that identifies a course failure in English language arts or math must be for any grading period and includes a substantial reading deficiency for a kindergarten through grade 3 student as an EWS indicator.

The bill requires a school-based team, rather than a "child study team," to be responsible for monitoring EWS data and to implement appropriate intervention strategies for a student who exhibits two or more early learning indicators unless the student is already being served by an intervention program. The team may include a school psychologist. Because not all schools are required to implement a school improvement plan, the bill eliminates the requirement that a school's improvement plan include middle grades EWS data and related information.<sup>84</sup>

## **Charter School Applications**

### Present Situation

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor. This performance contract is known as a "charter."<sup>85</sup> The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.<sup>86</sup> One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."<sup>87</sup>

An application for a new charter school may be made by an individual, teachers, parents, and a group of individuals, a municipality or a legal entity organized under Florida law.<sup>88</sup> The school must be

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<sup>82</sup> Section 1001.42(18)(b), F.S.

<sup>83</sup> Section 1001.42(18)(a), F.S.

<sup>84</sup> Early warning system is already a component of the school improvement plan for schools with a grade of "D" or "F." See Florida Department of Education, *Form SIP-1, School Improvement Plan* (Dec. 2014), available at [https://www.flrules.org/gateway/readRefFile.asp?refId=4622&filename=SIP-1\\_2014-15.pdf](https://www.flrules.org/gateway/readRefFile.asp?refId=4622&filename=SIP-1_2014-15.pdf) (incorporated by reference in rule 6A-1.099811, F.A.C.).

<sup>85</sup> Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

<sup>86</sup> Section 1002.33(2)(b)3. and (16), F.S.

<sup>87</sup> Section 1002.33(2)(a)1., F.S.

<sup>88</sup> Section 1002.33(3)(a), F.S.

operated by a FCS institution, municipality or nonprofit organization. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization.<sup>89</sup> A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.<sup>90</sup>

A person or entity seeking to open a charter school must submit an application using the model application form prepared by the DOE.<sup>91</sup> A sponsor must receive and review all charter school applications using an evaluation instrument developed by the DOE. The deadline for submission of charter school applications is August 1 of each year for schools to be opened the following year. An applicant may submit a draft charter school application on or before May 1 with an application fee of \$500. If a draft application is timely submitted, the sponsor must review and provide feedback as to material deficiencies in the application by July 1. The applicant then has until August 1 to resubmit a revised and final application. The sponsor may approve the draft application.<sup>92</sup>

### Effect of Proposed Changes

The bill revises the date a sponsor must receive all charter school applications from August 1, to February 1, beginning in 2018, for a charter school to open 18 months later or at a time agreed to by the applicant and the sponsor.

The bill removes the provision allowing a charter school applicant to submit a draft application to a sponsor for review.<sup>93</sup> The bill increases the amount of time the sponsor has to approve or deny an application from 60 to 90 days.

## **Charter School Contracts**

### Present Situation

Once an application is approved, the major issues involving the operation of a charter school, which are outlined in current law, must be considered in advance and written into the charter. The DOE, through state board rule, created a standard charter contract in consultation with both school districts and charter schools.

### Effect of Proposed Changes

The bill requires the sponsor and the charter school governing board to use the standard charter contract which incorporates the approved application and any addenda approved with the application. The parties may negotiate the terms of the contract, but any term or condition of a proposed contract that differs from the standard contract shall be presumed a limitation on charter school flexibility. The sponsor must notify a charter school if it intends not to renew a contract and provide the charter school with a hearing.

## **Other Provisions Relating to Charter Schools**

The bill also:

- clarifies when the controlled open enrollment process applies to charter schools;
- clarifies that charter schools and their governing boards are subject to the same waiver of sovereign immunity in tort actions as the state, state agencies and or subdivisions and

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<sup>89</sup> Section 1002.33(12)(i), F.S.

<sup>90</sup> Section 1002.33(5)(a)1., F.S.

<sup>91</sup> Section 1002.33(6)(a), F.S.

<sup>92</sup> Section 1002.33(6)(b), F.S.

<sup>93</sup>Note: The number of draft applications submitted declined from 43 in 2014 to 22 in 2015, *see* Annual Authorizer Reports, *available at* <http://www.fldoe.org/schools/school-choice/charter-schools/authorizers/annual-authorizer-reports.stml>.

expressly prohibits this provision for any for-profit entity contracted by the charter school or its governing body;

- revises the definition of “public school prekindergarten provider” to include a charter school; and
- removes the requirement that an eligible dual enrollment program be located and chartered in Florida and revises eligibility requirements for postsecondary institutions to participate in dual enrollment by requiring that the institution be accredited by any regional or national accrediting agency recognized by the U.S. DOE rather than only the Commission of Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools.

## **High-Performing Charter Schools**

### Present Situation

A high-performing charter school is a charter school that during each of the three previous years:

- earned at least two school grades of “A” and no school grade below “B;”
- has received an unqualified opinion on each annual financial audit; and
- has not received an annual financial audit that reveals a financial emergency condition.<sup>94</sup>

A high-performing charter school may, in any school district in the state, submit an application to establish a new charter school that replicates its educational program. The application must indicate that the charter school is “high-performing” and include the commissioner’s eligibility letter.<sup>95</sup> Such applications may only be denied under certain circumstances.<sup>96</sup> A high-performing charter school may only establish one charter school a year. A subsequent application to establish a charter school may only be submitted when each charter school established through replication achieves high-performing charter school status.<sup>97</sup>

If the sponsor denies an application submitted by a high-performing charter school, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons supporting the denial and must provide the letter of denial and supporting documentation to the applicant and to the DOE. The applicant may appeal the sponsor’s denial of the application directly to the SBE.<sup>98</sup>

### Effect of Proposed Changes

The bill allows a high-performing charter school to establish more than one charter school a year only if it chooses to operate in and serve students from a persistently low-performing school.

The bill provides a high-performing charter school whose application has been denied a hearing by requiring that an appeal of such denial be brought before the Charter School Appeals Commission. The commission will make a recommendation to the SBE in accordance with current law.

## **High-Performing Charter Schools Systems**

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<sup>94</sup> Section 1002.331(1), F.S. A financial emergency condition includes failure to pay short-term loans, make bond debt service or pay long-term debt payments due to lack of funds; failure to pay uncontested creditor claims within 90 days; failure to pay withheld employee income taxes or make employer contributions to social security or pensions; or failure for one pay period to pay wages, salaries, and retirement benefits owed. Section 218.503(1), F.S. A charter school in the workplace satisfies audit requirements if the auditor finds that sufficient monetary resources are available to cover any reported deficiency or if the deficiency does not result in a deteriorating financial condition. Section 1002.331(1)(c), F.S. A “deteriorating financial condition” is a circumstance that significantly impairs the ability of a charter school to generate enough revenues to meet its expenditures without causing the occurrence of a financial emergency condition described in s. 218.503(1), F.S. Section 1002.345(1)(a)3., F.S.

<sup>95</sup> Section 1002.331(3)(a), F.S.

<sup>96</sup> Section 1002.33(6)(b)3.b., F.S.

<sup>97</sup> Section 1002.331(3)(b), F.S.

<sup>98</sup> Section 1002.33(6)(b)3.c., F.S.



## Present Situation

A high-performing charter school system is an entity that:

- operated at least three high-performing charter schools in the state during each of the previous 3 school years;
- operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools and no charter school earned a school grade of “D” or “F” in any of the previous 3 school years regardless of whether the entity currently operates the charter school, with specified exceptions; and
- did not receive a financial audit that revealed one or more of the financial emergency conditions for any charter school assumed or established by the entity in the most recent 3 fiscal years for which such audits are available.<sup>99</sup>

A high-performing charter school system may replicate its high-performing charter schools using the current application process outlined in law.<sup>100</sup>

## Effect of Proposed Changes

The bill clarifies that a high-performing charter school system may replicate a school in any district in the state and establishes a streamlined standard application form for replicating charter schools by a high-performing charter school system.

The bill requires the standard application form for replicating charter schools by a high-performing charter system to:

- contain goals and objectives for improving and measuring student learning, including the expected amount of student yearly academic improvement, methods for evaluating success and the specific results to be attained through instruction;
- contain an annual financial plan for each year requested by the charter for operation of the school for up to 5 years;
- disclose the name of each applicant, governing board member and all proposed education services providers, the name and sponsor of any charter school operated by each applicant, each governing board member and each proposed education services provider that has closed and the reasons for the closure and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.

The bill requires the review, approval, denial and appeals process for high-performing replication applications to comply with current processes in law.

## **Charter School Cooperatives**

### Present Situation

The law authorizes charter schools to enter into cooperative agreements with other charter schools to provide planning and development, direct instructional services, and contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.<sup>101</sup>

### Effect of Proposed Changes

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<sup>99</sup> Section 1002.332(1)(b), F.S.

<sup>100</sup> Section 1002.332(2), F.S.

<sup>101</sup> Section 1002.33(13), F.S.

The bill deletes the list of specific services that cooperative agreements may provide and instead allows charter schools to enter into cooperative agreements to further any educational, operational or administrative purposes in which participating charter schools share common interests. This change expands the ability of charter schools to collaborate and pool resources for shared objectives.

## Charter School Funding

### Present Situation

Charter schools are funded through the Florida Education Finance Program (FEFP) the same as traditional public schools based on the number of students. Each charter school reports student enrollment to its sponsor<sup>102</sup> for inclusion in the district's report of student enrollment.<sup>103</sup> The following chart summarizes how a charter school's share of FEFP funds is determined:

| <b>Calculating a Charter School's Share of FEFP Funds<sup>104</sup></b>  |
|--|
| Sum of the school district's operating funds from the FEFP as provided in s. 1011.62, F.S., and the General Appropriations Act, including the district's gross state and local funds, discretionary lottery funds, and funds from the district's current operating discretionary tax levies. |
| ÷ The total funded weighted full-time equivalent (FTE) students in the district.   |
| x The weighted FTE students for the charter school.  |

A charter school is also entitled to receive its proportionate share of categorical funds included in the FEFP for students who qualify for the categorical.<sup>105</sup> Categorical funds must be spent for specified purposes, which include student transportation, safe schools, supplemental academic instruction, research-based reading, instructional materials, digital classrooms, classroom supplies and class-size reduction operating funds.<sup>106</sup> Sponsors are prohibited from requiring charter schools to adopt the school district's reading curriculum as a condition of receiving the research-based reading allocation.<sup>107</sup>

### Effect of Proposed Changes

The bill authorizes a nonprofit organization or municipality that operates a charter school to use unrestricted surplus or unrestricted net assets from that school for K-12 educational purposes in other schools they operate in the district. The bill also deletes language regarding federal funds that conflicts with federal requirements for the distribution of such funds.

## Charter School Sponsor Services and Fees

### Present Situation

A sponsor must provide various administrative services to charter schools in their district including contract management; FTE and student achievement data reporting; exceptional student education program administration; eligibility and reporting for federal school lunch programs; test administration,

<sup>102</sup> A sponsor can be a district school board that approves the charter and holds the contract. Section 1002.33(5)(a)1., F.S.

<sup>103</sup> Section 1002.33(17)(a)-(b), F.S. To reflect any changes in enrollment, the charter school's funding is recalculated during the school year, based upon the October and February FTE enrollment surveys. See s. 1002.33(17)(b), F.S.

<sup>104</sup> Section 1002.33(17)(b) and (c), F.S.

<sup>105</sup> Section 1002.33(17)(b), F.S.

<sup>106</sup> See, e.g., s. 1011.62(1)(f), F.S. (supplemental academic instruction); s. 1011.62(6), F.S. (general categoricals), s. 1011.67, F.S. (instructional materials), s. 1011.62(12), F.S. (digital classrooms); s. 1011.68, F.S. (student transportation), s. 1011.685, F.S. (class size reduction), and s. 1012.71, F.S. (Florida Teachers Classroom Supply Assistance Program).

<sup>107</sup> Section 1002.33(17)(b), F.S.

including payment of the costs of state- or school district-required assessments; processing of teacher certification data and student information services.<sup>108</sup> As compensation for services provided, a sponsor may withhold an administrative fee of up to 5 percent of each charter school's total operating funds, based upon weighted FTE students.<sup>109</sup> A sponsor may only withhold the administrative fee for the first 250 students enrolled in each charter school.<sup>110</sup> A sponsor may withhold a 5 percent administrative fee for the first 500 students enrolled within a system of charter schools if the system:

- includes both conversion charter schools and nonconversion charter schools;
- has all schools located in the same county;
- has a total enrollment exceeding the total enrollment of at least one school district in the state;
- has the same governing board; and
- does not contract with a for-profit service provider for management of school operations.<sup>111</sup>

If the system meets these criteria and also qualifies for high-performing charter school system status, it may receive a reduction in the administrative fees from 5 percent to 2 percent for enrollments up to and including 500 students per system.<sup>112</sup> The total administrative fee for high-performing charter schools is up to 2 percent for enrollment up to and including 250 students per school.<sup>113</sup>

When 75 percent or more of the students enrolled in the charter school are exceptional students, including gifted students, the 5 percent administrative fee is calculated based upon unweighted FTE students.<sup>114</sup> For virtual charter schools, the sponsor may withhold a fee of up to 5 percent of the school's total operating funds; however, the fee must be used to cover the cost of sponsor-provided services and for implementation of the school district's digital classrooms plan.<sup>115</sup> Sponsors are prohibited from imposing additional fees or surcharges for services provided.<sup>116</sup>

### Effect of Proposed Changes

The bill specifies language regarding administrative fees for charter schools, high-performing charter schools and charter school systems and removes the restrictions on eligible expenditures of the funds resulting from the difference between the total calculated amount of administrative fees and the amount the district may withhold.

The bill also requires charter schools to annually complete and submit a survey to rate the timeliness and effectiveness of administrative services provided by sponsors. The Department of Education must develop and administer the survey, compile the results by district and include them in the annual authorizer report.

## **Public Information on Charter Schools**

### Present Situation

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<sup>108</sup> Section 1002.33(20)(a)1., F.S. See also, Florida Attorney General Opinion, AGO 2013-04, stating that the administrative fee includes costs to administer state district assessments, available at <http://www.myfloridalegal.com/ago.nsf/Opinions/D20AD30420BB793B85257B3C0052B3A6>.

<sup>109</sup> Section 1002.33(20)(a)2., F.S.

<sup>110</sup> Section 1002.33(20)(a)2., F.S. When a charter school's enrollment exceeds 250 students, it must reserve an amount of total operating funds equal to the difference between the total administrative fee calculation and the actual amount withheld for capital outlay purposes. *Id.*

<sup>111</sup> Section 1002.33(20)(a)4., F.S. When the enrollment within a system of charter schools exceeds 500 students, an amount of total operating funds equal to the difference between the total administrative fee calculation and the actual amount withheld may only be used for instructional, administrative, or capital outlay purposes. Section 1002.33(20)(a)5., F.S.

<sup>112</sup> Section 1002.33(20)(a)4. and 6., F.S.

<sup>113</sup> Section 1002.33(20)(a)3., F.S.

<sup>114</sup> Section 1002.33(20)(a)2., F.S.

<sup>115</sup> Section 1002.33(20)(a)8., F.S.

<sup>116</sup> Section 1002.33(20)(a)7., F.S.

The DOE must annually provide a statewide analysis and comparison of charter school students and traditional public school students, as measured by the statewide assessment program and information reported in each school's annual progress report.<sup>117</sup> The DOE's analysis compares the overall performance of charter school and traditional public school students and that of student subgroups, e.g., demographics, low income and students with disabilities. Comparison data must also be broken down by the following grade groupings:

- Grades 3 through 5
- Grades 6 through 8 and
- Grades 9 through 11.<sup>118</sup>

The report contains 77 separate comparisons of student achievement. In 65 of the 77 comparisons, students enrolled in charter schools demonstrated higher rates of grade level performance. In addition, the achievement gap was lower for charter school students in 20 of the 22 comparisons.<sup>119</sup>

### Effect of Proposed Changes

The bill removes the provision that charter school student performance data be compared to student performance data of traditional public schools. This is because the original reporting requirement applied only to charter schools that had at least 10 students with test scores but fewer than the 30 students necessary for a school grade (based on state law prior to 2014). This population of charter schools now receives a school grade,<sup>120</sup> rendering the original purpose of the report moot.

## **Local Educational Agency Status**

### Present Situation

A system of charter schools may serve as a local education agency (LEA)<sup>121</sup> if the governing board adopts and files a resolution with its sponsor and the DOE in which the governing board accepts the full responsibility for all LEA requirements and the system of charter schools:

- includes both conversion charter schools and nonconversion charter schools;
- has all schools located in the same county;
- has a total enrollment exceeding the total enrollment of at least one school district in the state;
- has the same governing board; and
- does not contract with a for-profit service provider for management of school operations.<sup>122</sup>

### Effect of Proposed Changes

The bill revises LEA eligibility status by removing the requirements that a system of charter schools include both conversion charter schools and nonconversion charter schools and the system does not contract with a for-profit service provider for management of school operations. The bill also allows a charter school system's governing board to be designated as an LEA for purposes of receiving federal

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<sup>117</sup> Section 1002.33(23), F.S.

<sup>118</sup> Section 1002.33(21)(b)3.a., F.S.

<sup>119</sup> Florida Department of Education, *Student Achievement in Florida's Charter Schools: A Comparison of the Performance of Charter School Students with Traditional Public School Students*, at v (March 2017), available at [http://www.fldoe.org/core/fileparse.php/7778/urlt/Charter\\_Student\\_Achievement\\_Report\\_1516.pdf](http://www.fldoe.org/core/fileparse.php/7778/urlt/Charter_Student_Achievement_Report_1516.pdf).

<sup>120</sup> See s. 1, ch. 2014-23, L.O.F. (revising requirements for issuance of a school grade so that any school with data from at least 10 students for a given school grades component would receive a grade).

<sup>121</sup> Under federal law, a local educational agency is a "public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary schools or secondary schools." 34 C.F.R. s. 303.23.

<sup>122</sup> Section 1002.33(25), F.S.

funds for all schools within a school district that are established under a turnaround option pursuant to s. 1008.33 and are under the jurisdiction of the governing board.

## School Grades and School Improvement Ratings

### Present Situation

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.<sup>123</sup> School grades are also used to determine whether a school must select or implement a turnaround option<sup>124</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>125</sup>

An alternative school may opt for a school improvement rating instead of a school grade.<sup>126</sup> The school improvement rating is calculated using student learning gains on statewide, standardized English language arts and Math assessments for all eligible students who are enrolled in the school and who have assessment scores or comparable scores for the preceding school year.<sup>127</sup> Schools that improve their ratings by at least one level or maintain a "commendable" rating are eligible for school recognition awards.<sup>128</sup> The school improvement rating identifies an alternative school as having one of the following ratings:

- **Commendable:** a significant percentage of the students attending the school are making learning gains
- **Maintaining:** a sufficient percentage of the students attending the school are making learning gains
- **Unsatisfactory:** an insufficient percentage of the students attending the school are making learning gains<sup>129</sup>

Current law requires that the student performance data for eligible students attending alternative schools that provide dropout prevention and academic intervention are included in the calculation of the home school's grade.<sup>130</sup> Likewise, student performance data for eligible students in Exceptional Student Education (ESE) Centers are included in the calculation of the home school grade.<sup>131</sup>

### Effect of Proposed Changes

The bill requires a high school to include in its graduation rate a student who transfers from the high school to a private school with which the school district has a contractual relationship.

The bill also allows the use of concordant scores, in addition to assessment scores or comparable scores, in determining an alternative school's school improvement rating.

## Charter School Facilities

### Present Situation

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<sup>123</sup> 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.

<sup>124</sup> Section 1008.33(4), F.S.

<sup>125</sup> Section 1008.26, F.S.

<sup>126</sup> School improvement ratings, which do not include an academic achievement component but instead focus on learning gains, are offered to alternative schools because the students at these schools are often enrolled in more than one school within the school year. All alternative students' learning gains scores are included in either the alternative school or home school accountability report.

<sup>127</sup> Section 1008.341(3), F.S.

<sup>128</sup> Section 1008.341(2), F.S. (flush left provisions at the end of the subsection).

<sup>129</sup> Section 1008.341(2)(a)-(c), F.S.

<sup>130</sup> Section 1008.34(3)(d)1., F.S.

<sup>131</sup> Section 1008.3415, F.S.

Current law prohibits local governing authorities from adopting or imposing any local building requirements or site-size criteria that are addressed by and more stringent than those found in the State Requirements for Education Facilities (SREF) of the Florida Building Code.<sup>132</sup> In addition, any facility or portion of a facility, used to house a charter school is exempt from ad valorem taxes, and specified entities, including a library, community service, museum, performing arts, theatre, cinema, church, FCS institution, college, and university may provide space to charter schools within their facilities under their preexisting zoning and land use designations.<sup>133</sup>

### Effect of Proposed Changes

The bill clarifies that the entities listed above may provide space to charter schools, and the charter school shall not have to obtain any special exception, rezoning, or land use change. The bill also specifies that a local governing authority may not adopt or impose any student enrollment or occupant load requirements that are more stringent than those addressed by the SREF.

## **College-Preparatory Boarding Academy**

### Present Situation

In 2011, the Legislature created the College-Preparatory Boarding Academy Pilot Program for the purpose of providing unique educational opportunities to dependent or at-risk children who are academic underperformers but who have the potential to progress from at-risk to college-bound.<sup>134</sup>

An “eligible student” is a student who:

- is a resident of the state and entitled to attend school in a participating school district;
- is at risk of academic failure;
- is currently enrolled in grade 5 or 6;
- is from a family whose gross income is at or below 200 percent of the federal poverty guidelines;
- is eligible for benefits or services funded by Temporary Assistance for Needy Families (TANF) or Title IV-E of the Social Security Act; and
- meets at least one of the following additional risk factors:
  - The child is in foster care or has been declared an adjudicated dependent by a court
  - The student’s head of household is not the student’s custodial parent
  - The student resides in a household that receives a housing voucher or has been determined eligible for public housing assistance
  - A member of the student’s immediate family has been incarcerated
  - The child is covered under the terms of the state’s Child Welfare Waiver Demonstration project with the United States Department of Health and Human Services<sup>135</sup>

### Effect of Proposed Changes

The requirement that a student be currently enrolled in grade 5 or 6 limits the operator from enrolling students in another grade level, even if a space is available. The bill revises this requirement and allows any student currently enrolled in grades 5-12 to be eligible to enter the program, if the operator determines that a seat is available.

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<sup>132</sup> Section 1002.33(18)(a), F.S.

<sup>133</sup> Section 1002.33(18)(c), F.S.

<sup>134</sup> Section 1002.3305(1), F.S.

<sup>135</sup> Section 1002.3305(2)(b), F.S.

## 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 chain<sup>136</sup> 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;<sup>137</sup>
- have received final approval from its sponsor pursuant to s. 1002.33, Florida Statutes, for operation during that fiscal year; and
- serve students in facilities that are not provided by the charter school sponsor.<sup>138</sup>

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;<sup>139</sup>
- payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities; and
- 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.<sup>140</sup>

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<sup>136</sup> 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.

<sup>137</sup> State board rule allows "satisfactory student achievement" to be determined in accordance with a charter contract; however, a charter school that earns a school grade of "F" is not eligible for capital outlay funding for the school year immediately following the designation. Rule 6A-2.0020(2), F.A.C.

<sup>138</sup> 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.

<sup>139</sup> 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.

Beginning in Fiscal Year 2016-2017, charter schools receive a weight of 1.0 per 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 <sup>141</sup> | 432                          |
| 2013-14     | \$90.6 million <sup>142</sup> | 473                          |
| 2014-15     | \$75.0 million <sup>143</sup> | 487                          |
| 2015-16     | \$50.0 million <sup>144</sup> | 535                          |
| 2016-17     | \$75.0 million <sup>145</sup> | 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.<sup>146</sup> At least three school districts, Franklin, Sarasota, and Sumter, have shared revenue generated from the discretionary 1.5 millage with charter schools within their districts<sup>147</sup>; 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 by state law. The bill also provides that charter school capital outlay funding consists of both revenue from the discretionary millage and state funds when such funds are appropriated.

The bill revises eligibility requirements for charter school capital outlay funds by specifying that the school must be accredited by a regional accrediting association as defined in state board rule, rather than by the Commission on Schools of the Southern Association of Colleges and Schools only. 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-

<sup>140</sup> Section 1013.62(3)(a)-(h), F.S.

<sup>141</sup> Specific Appropriation 16, s. 2, ch. 2012-118, L.O.F.

<sup>142</sup> Specific Appropriation 18, s. 2, ch. 2013-40, L.O.F.

<sup>143</sup> Specific Appropriation 25, s. 2, ch. 2014-51, L.O.F.

<sup>144</sup> Specific Appropriation 18, s. 2, ch. 2015-232, L.O.F.

<sup>145</sup> Specific Appropriation 19, s. 2, ch. 2016-66, L.O.F.

<sup>146</sup> Section 1011.71(2), F.S.

<sup>147</sup> Florida Department of Education Office of Funding and Financial Reporting, Source: Survey of Florida District School Boards, December 2011; Report Prepared May 17, 2012.



charter public schools to allow payment of the cost of the opening day collection for the library media center of a new school.

## Equity in School Level Funding

### Present Situation

Title I, Part A of the Elementary and Secondary Education Act, provides financial assistance to LEAs and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards. Federal funds are currently allocated through four statutory formulas that are based primarily on census poverty estimates and the cost of education in each state.<sup>148</sup>

In the 2014-2015 school year, Florida school districts received approximately \$858 million in Title I funds. Of the \$858 million, 48 percent was reserved at the district level for district-wide activities and administration. In the 2014-2015 school year, at more than half of all Florida school districts, a larger percentage of Title I Part A dollars were reserved at the district level for administration and district-wide activities than was allocated to participating public schools. Also, more money was allocated to Title I schools than was reserved at the district level at 75% of all LEAs with no “D” and “F” schools.<sup>149</sup>

### Effect of Proposed Changes

The bill requires school districts to provide Title I funds directly to all eligible schools and limits the amount of Title I funds that a district may withhold as follows:

- One percent for parent involvement
- A necessary and reasonable amount for administration not to exceed eight percent
- A reasonable and necessary amount to provide:
  - homeless programs;
  - delinquent and neglected programs;
  - prekindergarten programs and activities;
  - private school equitable services; and
  - transportation for foster care children to their school of origin or choice program.

The bill also provides that, after providing Title I funds to schools above the 75 percent poverty threshold, the district shall distribute all remaining Title I funds to all eligible schools in accordance with federal law and regulation. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually. Schools may participate in district-wide or district sponsored initiatives by paying a proportionate share of Title I funds to the school district. The bill enables school-level administrators to determine the best use of the funds to serve the students at their schools.

Of the 7 percent of Title I funds that must be set aside for school improvement, 95 percent must be awarded to districts through either a formula or competitive approach or some combination thereof. The remaining 5 percent would be used primarily to support DA regional activities as it is, currently.<sup>150</sup>

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<sup>148</sup> U.S. Department of Education , *Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A)*, available at <https://www2.ed.gov/programs/titleiparta/index.html?exp=0>.

<sup>149</sup> Email, Florida Department of Education, Governmental Relations (April 10, 2017).

<sup>150</sup> See 20 U.S.C. s. 6303(a).

| Title I, Part A, Allocation of District Funds |  |   |
|---|--|---|
|   | CURRENT  | PROPOSED  |
| STATE LEVEL                                   | 1% for DOE administration and approximately 7% for school  | 1% for DOE administration and approximately 7% for school improvement set-asides.   |
| REQUIRED (DISTRICT LEVEL)                     | 1% for Parent Involvement  | 1% for Parent Involvement <i>in addition to the 1% the district must reserve under federal law for allocations to eligible schools for parent involvement.</i>  |
|   | A necessary and reasonable amount for administration, homeless programs, and neglected and delinquent programs.  | A necessary and reasonable amount for administration but not to exceed 8%, homeless programs, neglected and delinquent programs.  |
|   | Amounts determined by the district.  | Amounts determined by the district.   |
|   | Equitable services and benefits for eligible private school students, teachers, and parents.   | Equitable services and benefits for eligible private school students, teachers, and parents.  |
|   | Formula calculation over which districts have no discretion.   | Formula calculation over which districts have no discretion.  |
| DISCRETIONARY (DISTRICT LEVEL)                | Professional development and other authorized activities such as summer programs, extended day, preschool, salary incentives, migrant services, transportation for children in foster care, instructional coaches, reading coaches, graduation coaches, behavior coaches, software, curriculum, academic coaches and other district-wide programs.<br><br>Allocations for programs that are more cost-effectively provided at the district level rather than the school level. | <i>Prekindergarten programs and activities, and transportation for foster care children to their school of origin or choice program. The type of programs and amount spent on such programs is determined by the district.</i>  |
| DISCRETIONARY (SCHOOL LEVEL)                  | Allocations to schools – based on poverty data, schools must be ranked and served in order of their poverty levels.  | Allocations to schools – based on poverty data, schools must be ranked and served in order of their poverty levels.   |
|   | Schools where more than 75% of the students live in poverty <u>must</u> be allocated funds using the highest per pupil allocation (PPA).   | Schools where more than 75% of the students live in poverty <u>must</u> be allocated funds using the highest per pupil allocation (PPA). Schools at or below 75% may have lower PPAs, but never higher than the PPA for schools over 75% strictly based on the poverty ranking. Districts identify eligible schools (below 75%) based on the percentage of economically disadvantaged students. |
|   | Schools at or below 75% may have lower PPAs, but never higher than the PPA for schools over 75%.strictly based on the poverty ranking. Districts identify eligible schools (below 75%) based on the percent of economically disadvantaged students.  | <i>The threshold for identifying schools may not exceed the criteria established by the district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students.</i>  |
|   | <b>OTHER PROGRAMS AND ACTIVITIES</b>   | Professional development and other authorized activities such as summer programs, extended day, salary incentives, migrant services, instructional coaches, reading coaches, graduation coaches, behavior coaches, software, curriculum, academic coaches. <i>The type of programs and amount spent on such programs is determined by the school.</i>   |

## Statewide, Standardized Assessments

### Present Situation

### *Assessments and Assessment Schedules*

Florida's statewide assessment program is used to measure the extent to which students have mastered Florida's Next Generation Sunshine State Standards (NGSSS).<sup>151</sup> It includes statewide, standardized grade level assessments for 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; the Statewide Science Assessment (grades 5 and 8);<sup>152</sup> and alternate assessments for students with significant cognitive disabilities.<sup>153</sup> The grade-level English language arts (ELA) and mathematics 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.<sup>154</sup>

Results from the assessments are used to calculate school grades and school improvement ratings<sup>155</sup> and determine student readiness for promotion to 4<sup>th</sup> grade and high school graduation.<sup>156</sup> In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.<sup>157</sup>

Florida and federal law both require that all public school students annually participate in statewide, standardized ELA and mathematics assessments beginning in the 3<sup>rd</sup> grade.<sup>158</sup> Federal law requires that students participate in a standardized science assessment at least once in grades 3 through 5, 6 through 9, and 10 through 12.<sup>159</sup> The requirements for students in Florida are as follows:<sup>160</sup>

- ELA
  - Grades 3-10: annual participation in the FSA-ELA
- Math
  - Grades 3-8: annual participation in the mathematics 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

By August of each year, the Commissioner of Education must publish a uniform assessment calendar on the DOE website that includes assessment and reporting schedules for the next 2 school years.<sup>161</sup> 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.<sup>162</sup>

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<sup>151</sup> 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>.

<sup>152</sup> 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>.

<sup>153</sup> See s. 1008.22(3), F.S.

<sup>154</sup> Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

<sup>155</sup> See ss. 1008.34 and 1008.341, F.S.

<sup>156</sup> See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

<sup>157</sup> See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

<sup>158</sup> See s. 1008.22(3)(a); 20 U.S.C. s. 6311(b)(2)(v)(I).

<sup>159</sup> See 20 U.S.C. s. 6311(b)(2)(B)(v)(II).

<sup>160</sup> See s. 1008.22(3)(a) and (b), F.S.

<sup>161</sup> Section 1008.22(7)(b), F.S.

<sup>162</sup> Section 1008.22(7)(a), F.S.

The assessment calendar consists of testing windows, or the range of dates during which districts and schools may choose to administer a given assessment.<sup>163</sup> Inside of the state window, districts establish their own windows during which the district will administer a given assessment.

| <b>Spring 2017 Assessments (Regular Administration)<sup>164</sup></b> |   |
|---|---|
| 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<br>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  |

### *Computer-Based Testing*

The law has required the gradual transition to computer-based assessments beginning with the 2015-2016 school year.<sup>165</sup> Currently, all assessments, except the 3<sup>rd</sup> grade ELA assessment, the writing portion of the ELA assessment for grades 4 through 7, and the grades 5 and 8 science assessments, are administered on computers. The 3<sup>rd</sup> grade ELA assessment will be administered as a computer-based test beginning with the 2017-2018 school year.<sup>166</sup> A student may take a paper-based assessment if indicated by his or her individual education plan as a necessary accommodation.<sup>167</sup> 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.<sup>168</sup>

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.<sup>169</sup> The 3<sup>rd</sup> grade ELA assessment is also administered earlier so that decisions related to 4<sup>th</sup> grade promotion can be made prior to the completion of the school year.

### *Graduation Requirements*

To graduate from high school with a standard high school diploma, a student must successfully complete 24 course credits and participate in EOC assessments for Algebra I, Geometry, Biology, and U.S. History. Students must also participate in 9<sup>th</sup> and 10<sup>th</sup> grade statewide, standardized assessments for ELA. Students must pass the Algebra I EOC assessment and the 10<sup>th</sup> grade statewide, standardized ELA assessment, or earn a concordant or comparative score on the SAT, ACT, or PERT, as applicable, to graduate.

### *Other Requirements*

<sup>163</sup> Florida Department of Education, *2016-2017 Uniform Statewide Assessment Calendar* (2016), available at <http://fldoe.org/core/fileparse.php/5663/urlt/K12UniformAssessmentCalendar16-17.doc>.

<sup>164</sup> 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>.

<sup>165</sup> 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>.

<sup>166</sup> See *id.* The grade 3 ELA assessment does not include a separate writing component.

<sup>167</sup> Florida Department of Education, *Computer-based Testing*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/computer-based-testing.stml> (last visited Mar. 13, 2017).

<sup>168</sup> Email, Florida Department of Education, Bureau of K-12 Student Assessment (Nov. 3, 2016).

<sup>169</sup> *Id.*

In addition, school districts must participate in national and international comparison assessments, such as the National Assessment of Educational Progress (NAEP),<sup>170</sup> Trends in International Mathematics and Science Study, Program for International Student Assessment, Progress in International Reading Literacy Study, and International Computer and Information Literacy Study.<sup>171</sup> All Students with disabilities, except for students with an approved medical complexity or extraordinary exemption waiver, must participate in the statewide, standardized assessments.<sup>172</sup> Students with significant cognitive disabilities may be eligible to take the Florida Standards Alternate Assessment, which measures student academic performance on the state’s academic standards using access points.<sup>173</sup>

### *Reporting Student Assessment Results*

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 SBE.<sup>174</sup> The law also requires that assessment and reporting schedules must provide the earliest possible reporting of student assessment results to school districts.<sup>175</sup>

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 DOE website.<sup>176</sup> The report for the 3<sup>rd</sup> 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.<sup>177</sup>

### Effect of Proposed Changes

The bill reduces state assessment requirements by eliminating the Algebra II EOC assessment. As a result, students seeking a Scholar Designation on their high school diploma will no longer be required to pass the assessment beginning with the 2017-2018 school year.

The bill requires the statewide, standardized ELA and mathematics assessments for grades 3 through 6 to be delivered in a paper-based format beginning with the 2017-2018 so that all such assessments are paper based by the 2018-2019 school year. As a result of this change, the grade 3 ELA assessment will remain paper based for the 2017-2018 school year and the assessments for grades 4 through 6 will be paper based no later than the 2018-2019 school year.

The bill revises the timeline for administering statewide, standardized assessments as follows:

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<sup>170</sup> 20 U.S.C. s. 6311(a)(1)(B). Federal Title I funds are contingent upon a state’s participation in the NAEP, which is administered through the National Center for Education Statistics, the primary federal entity for collecting and analyzing state related to education in the U.S. National Center for Education Statistics, *About Us*, <https://nces.ed.gov/about/> (last visited Mar. 17, 2017).

<sup>171</sup> See s. 1008.22(2), F.S.

<sup>172</sup> See ss. 1008.212 and 1008.22(10), F.S.

<sup>173</sup> See s. 1008.22(3)(c)4., F.S.; rule 6A-1.09430(1), F.A.C.; see also Florida Department of Education, Division of Public Schools and Bureau of Exceptional Education and Student Services, *Statewide Assessment for Students with Disabilities*, Technical Assistance Paper 2010-92 (July 15, 2010). Access points provide students with significant cognitive disabilities access to the Florida Standards at reduced levels of complexity.

<sup>174</sup> See ss. 7 and 15, ch. 2015-6, L.O.F., *codified at* s. 1008.22(3)(g)2., F.S.

<sup>175</sup> Section 1008.22(7)(a), F.S.

<sup>176</sup> Florida Department of Education, *Understanding the New Score Report*, <http://fldoe.org/accountability/assessments/fsa-report.stml> (last visited Mar. 13, 2017).

<sup>177</sup> 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 grade 3 statewide, standardized ELA assessment and the writing portion of the statewide, standardized ELA assessments for grades 4 through 10 must be administered within a 2-week assessment window that opens no earlier than April 1 each year
- Any other paper-based statewide, standardized assessment must be administered within a 2-week assessment window that opens no earlier than May 1 each year
- Any other computer-based statewide, standardized assessment must be administered within a 4-week assessment window that opens no earlier than May 1 each year

The bill requires school districts to administer the assessments associated with a May 1 assessment window no earlier than 4 weeks before the last day of school for the district. In effect, this will require the last 4 weeks of a school district's school year to overlap with the May 1 assessment windows to the extent necessary for all assessments in the district to be administered. This does not require the last 4 weeks of the school year to start with the May 1 assessment window; rather, school districts will have the flexibility to adjust their last day of school to provide sufficient time, based upon the district's capacity and needs, to administer these assessments within their respective assessment windows.

The bill requires that assessment results for the grade 3 statewide, standardized ELA assessment be made available no later than May 31. The bill moves the date by which all other statewide assessment results must be made available from the week of June 8 to no later than June 30 of each year in order to allow time for scoring to be completed under the later assessment windows in the bill.

The bill moves the date by which the commissioner must post the uniform assessment calendar to the DOE website from August to January of each year. This will provide school districts additional time to establish their respective assessment calendars for the next two school years.

The bill requires that the results of the statewide, standardized ELA and mathematics assessments, including retakes, be reported in an "easy-to read and understandable" format and delivered in time to provide useful, actionable information to students, parents, and to each student's current teacher and the student's teacher of record for the subsequent school year. In any case, each school district must provide the report within 1 week after receiving the results from the DOE. 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.

## **High School State Assessments**

### Present Situation

The *Every Student Succeeds Act (ESSA)*<sup>178</sup> 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)*.<sup>179</sup> 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;<sup>180</sup>
- **high quality assessments** in ELA, math, and science;<sup>181</sup>
- **long-term goals** for all students and student subgroups<sup>182</sup> in the state, including measurements of interim progress toward meeting the goals;<sup>183</sup>
- **multiple indicators** of student success and school quality,<sup>184</sup> 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 learners<sup>185</sup> (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;<sup>186</sup> and
- **identification of schools**, based on annual meaningful differentiation that requires comprehensive support and improvement or targeted support for specific student subgroups.<sup>187</sup>

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.<sup>188</sup>

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.<sup>189</sup>

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

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<sup>178</sup> Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.*

<sup>179</sup> Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

<sup>180</sup> 20 U.S.C. s. 6311(b)(1).

<sup>181</sup> 20 U.S.C. s. 6311(b)(2).

<sup>182</sup> 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).

<sup>183</sup> 20 U.S.C. s. 6311(c)(4)(A).

<sup>184</sup> 20 U.S.C. s. 6311(c)(4)(B).

<sup>185</sup> 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).

<sup>186</sup> 20 U.S.C. s. 6311(c)(4)(C).

<sup>187</sup> 20 U.S.C. s. 6311(c)(4)(D).

<sup>188</sup> *See* 20 U.S.C. s. 6311(h)(1) and (2).

<sup>189</sup> 20 U.S.C. s. 6311(b)(2).



administering a locally selected assessment in lieu of the State-designated” high school ELA, math, or science assessments.<sup>190</sup> However, any such assessment must:<sup>191</sup>

- be approved by the state;
- 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.<sup>192</sup> 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.<sup>193</sup> 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.<sup>194</sup>

### Effect of Proposed Changes

The bill requires the commissioner to contract for an independent study to determine whether the SAT and ACT may be administered in lieu of the grade 10 statewide, standardized ELA assessment and the Algebra I EOC assessment consistent with the provisions of ESSA. The commissioner must submit a report with the results of the review and any recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE by January 1, 2018.

## **Publication of Assessment Items**

### Present Situation

All examination and assessment instruments, including work papers and developmental materials, are confidential and exempt from disclosure under Florida’s public records laws.<sup>195</sup> Provisions governing access, maintenance, and destruction of such instruments and materials are prescribed in rule by the SBE.<sup>196</sup>

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<sup>190</sup> See 20 U.S.C. s. 6311(b)(2)(H).

<sup>191</sup> 20 U.S.C. s. 6311(b)(2)(H)(i)-(v).

<sup>192</sup> 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>.

<sup>193</sup> 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>.

<sup>194</sup> *Id.*

<sup>195</sup> See s. 1008.23 F.S.

<sup>196</sup> See rule 6A-10.042, F.A.C.



Per general practice, once a test or test item is released, the test items may not be reused in order to maintain assessment validity.<sup>197</sup>

From 2005 to 2007, the DOE released FCAT assessments as follows:

- Grades 4, 8, and 10 Reading and Mathematics in 2005;
- Grades 3, 7, 9 and 10 Reading and Mathematics in 2006;
- Grades 5 and 6 Reading and Mathematics, and Grade 8 Science; and
- for the FCAT Writing and FCAT 2.0 Writing assessment, the DOE released the prompts and student responses.<sup>198</sup>

According to the DOE, budgetary constraints ended the practice beginning in 2008.<sup>199</sup> In order to reduce costs, the DOE licenses FSA test items from the current test developer, American Institutes for Research, and does not have ownership of or copyright authority over the items.<sup>200</sup> This practice is becoming commonplace among states.<sup>201</sup> Some texts used in state assessment questions are taken from the public domain and can be freely published; however, others are copyrighted texts that the DOE does not have authority to publish.<sup>202</sup>

### Effect of Proposed Changes

The bill requires the Commissioner of Education to publish each statewide, standardized assessment and statewide EOC assessment on the DOE's website, excluding retake and alternate assessments, at least once every three years. When published, each assessment must have been administered during the most recent school year. By publishing the assessments on the website, the DOE would provide public access to view assessments administered during the previous school year.

The bill allows the commissioner to determine the schedule for publishing assessments during the 3-year period; however, subject to appropriation, the initial publication must occur no later than June 30, 2021, and must include the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment. The bill requires the DOE, as part of the next procurement of assessments, to solicit cost proposals for publication of assessments.

The bill requires the DOE to publish materials on its website to help the public interpret the published assessment information.

Because test items cannot be repeated for purposes of assessment validity, the DOE would be required to procure additional test items to replace the items it has authority to publish.<sup>203</sup> This would require renegotiation of current assessment contracts for the development of test items owned by the DOE. Thereafter, the DOE would be required to purchase sufficient test items to replace assessments that are published in accordance with the bill.

The bill does not authorize or require the publication or release of individual student assessment files.

### **Student Learning Growth**

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<sup>197</sup> Florida Department of Education, Agency Analysis of 2016 House Bill 549 p. 3 (Feb. 7, 2017).

<sup>198</sup> *Id* at 2-3.

<sup>199</sup> Florida Department of Education, Testimony by the Assistant Deputy Commissioner for the Division of Accountability, Research, and Measurement before the House PreK-12 Quality Subcommittee (Mar. 20, 2017).

<sup>200</sup> Florida Department of Education, Agency Analysis of 2017 House Bill 549, p. 3 (Feb. 7, 2017).

<sup>201</sup> *Id* at 3.

<sup>202</sup> *Id* at 3.

<sup>203</sup> *See id* at 3.

## Present Situation

In recent years, several states have adopted the use of value-added models as part of their education accountability systems.<sup>204</sup> Value-added models are used to measure the causal effect teachers, and in some cases schools, have on student learning growth by controlling for differences in student backgrounds. Such models are generally based on standardized assessment scores and have been the favored model used by economists to measure the impact teacher quality has on student academic and economic outcomes.<sup>205</sup> Value-added models, when used alongside other measures of teacher performance, significantly improve the ability of teacher evaluation systems to identify the most effective teachers.<sup>206</sup>

Florida's value-added model (VAM) is used to objectively measure student learning growth on the:

- statewide, standardized English language arts assessment in grades 4-10;
- statewide, standardized math assessment in grades 4-8; and
- Algebra I end-of-course assessment.<sup>207</sup>

Student learning growth, as measured by VAM, comprises at least one third of a teacher's performance evaluation if the teacher is assigned a class associated with one of the assessments for which VAM data is calculated.<sup>208</sup> The DOE must calculate VAM scores for these teachers, and school districts must use the scores in the student performance portion of their evaluations.<sup>209</sup>

VAM establishes the expected learning growth for each student, called a predicted score. Florida's VAM model bases each student's predicted score on the typical learning growth seen among students who share characteristics, called covariates, that are statistically controlled for in the model. The covariates used in Florida's student learning growth formula are:

- up to two prior years of achievement scores;
- students with disabilities SWD status;
- English Language Learner status;
- gifted status;
- attendance;
- the number of subject-relevant courses in which the student is enrolled;
- mobility, i.e., the number of school transitions a student makes in the same school year;
- difference from modal age in grade, i.e., the student's age in relation to what is normal for students enrolled in that grade (as an indicator of retention);
- class size (which is a continuous measure counting the number of students linked to the educator); and
- homogeneity of entering test scores of students in the class (which identifies variations in the achievement levels of students in a class when first assigned to the educator).<sup>210</sup>

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<sup>204</sup> David Morganstein & Ron Wasserstein, *ASA Statement on Using Value-Added Models for Educational Assessment* 1 STATISTICS & PUB. POL'Y 108 (2014).

<sup>205</sup> Raj Chetty, John Friedman, and Jonah Rockoff, *Discussion of the American Statistical Association's Statement (2014) on Using Value-Added Models for Educational Assessment* (2014), available at <http://amstat.tandfonline.com/doi/pdf/10.1080/2330443X.2014.956906?needAccess=true>.

<sup>206</sup> Bellwether Education Partners, *Ensuring Effective Teachers For All Students: hearing before the House PreK-12 Quality Subcommittee* (Jan. 11, 2017) (citing Bill & Melinda Gates Foundation, *Gathering Feedback for Teaching* (2011)).

<sup>207</sup> See rule 6A-5.0411, F.A.C. The Commissioner of Education adopted the committee's recommended value-added model (VAM) student learning growth formula for FCAT Reading and Mathematics assessments in June 2011. See Florida Department of Education, *Florida's Value Added Model* (2011) at 11, available at <http://www.fldoe.org/core/fileparse.php/7566/urlt/0075073-presentationvalue-addedmodel.pdf>.

<sup>208</sup> Section 1012.34(3)(a), F.S.

<sup>209</sup> See s. 1012.34(2) and (8), F.S.

<sup>210</sup> Rule 6A-5.0411(3)(a)3., F.A.C. The law specifies student attendance, disability, and English proficiency as variables that must be considered in formula development. Section 1012.34(7)(a), F.S.

The VAM score represents the amount, on average, that students taught by a given teacher performed above or below their predicted level of performance. A positive score indicates that the teacher's students performed better than expected; a negative score indicates that the teacher's students performed worse than expected; and a score of "0" indicates that the teacher's students performed no better or worse than expected based on the factors accounted for in the model.<sup>211</sup>

A VAM score provides an objective view of the impact a teacher has on a student's learning. Other evaluation components, including teacher observations and other indicators chosen by the district, incorporate subjective measures of a teacher's quality and can be influenced by collective bargaining. This can lead to instances where teachers who are rated highly effective based on their DOE-calculated VAM score are nonetheless rated effective or lower on their performance evaluation due to the more subjective, district-determined portions of their evaluation.

Some states, such as Tennessee, have robust data systems and information on value-added data that help the public, teachers, and administrators understand what the data means with respect to teacher performance, school performance, and student growth.<sup>212</sup> These systems allow teachers and school administrators to align instruction with student needs and identify trends in student growth. This information can play a significant role in equitable teacher distribution.<sup>213</sup>

### Effect of Proposed Changes

The bill requires that a third party, independent of the assessment developer, analyze student learning growth data calculated using the commissioner-approved formula and provide access to a data visualization tool that enables teachers to understand and evaluate the data and school administrators to improve instruction, evaluate programs, allocate resources, plan professional development, and communicate with stakeholders. The bill also makes the use of student learning growth data in educator personnel evaluations optional.

## **Educator Certification**

### Present Situation

#### *Teacher 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 DOE.<sup>214</sup> 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.<sup>215</sup> 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."<sup>216</sup>

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<sup>211</sup> Jeffrey Solochek, *How does Florida's VAM work (in English)?*, Tampa Bay Times, February 26, 2014, <http://www.tampabay.com/blogs/gradebook/how-does-floridas-vam-work-in-english/2167478> (last visited Apr. 29, 2016). See rule 6A-5.0411, F.A.C.

<sup>212</sup> See Tennessee Department of Education, *Tennessee Value-Added Assessment System*, <http://www.tn.gov/education/topic/tvaas> (last visited Apr. 19, 2017).

<sup>213</sup> See SAS Institute, Inc., *TVAAS: What's New in 2016* (2016), available at <https://tvaas.sas.com/support/TVAAS-WhatsNew2016.pdf>.

<sup>214</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>215</sup> 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.

<sup>216</sup> Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

The DOE issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida's highest type of full-time educator certification.<sup>217</sup> The professional certificate is valid for five years and is renewable.<sup>218</sup>
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.<sup>219</sup> The temporary certificate is valid for three years and is nonrenewable.<sup>220</sup>
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.<sup>221</sup> 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.<sup>222</sup> The five-year certificate requires satisfaction of certain specialization requirements established in rule.<sup>223</sup>

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.<sup>224</sup>

To be eligible for an educator certificate, a person must:<sup>225</sup>

- 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 learning<sup>226</sup> or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;<sup>227</sup>
- 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.<sup>228</sup> 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

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<sup>217</sup> Rule 6A-4.004(2), F.A.C.

<sup>218</sup> 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.

<sup>219</sup> Rule 6A-4.004(1)(a)2., F.A.C.

<sup>220</sup> 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.

<sup>221</sup> Section 1012.55(2), F.S.

<sup>222</sup> Rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

<sup>223</sup> *See* rule 6A-4.0282, F.A.C.

<sup>224</sup> 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.

<sup>225</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>226</sup> 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](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).

<sup>227</sup> 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.

<sup>228</sup> 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.<sup>229</sup>

To receive a temporary certificate, an applicant must:

- meet the basic eligibility requirements for certification;<sup>230</sup>
- 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,<sup>231</sup> and
- do one of the following:
  - demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test),<sup>232</sup> or
  - complete the required degree or content courses specified in state board rule for subject area specialization<sup>233</sup> and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.<sup>234</sup>

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.<sup>235</sup> 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.<sup>236</sup> A temporary certificate is valid for 3 years and is nonrenewable.<sup>237</sup>

An applicant seeking a professional certificate must:

- meet the basic eligibility requirements for certification,<sup>238</sup>
- demonstrate mastery of general knowledge,<sup>239</sup>
- demonstrate mastery of subject area knowledge,<sup>240</sup> and
- demonstrate mastery of professional preparation and education competence.<sup>241</sup>

A professional certificate is valid for five years and is renewable.<sup>242</sup>

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

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<sup>229</sup> Telephone interview with Bureau Chief, Florida Department of Education, Bureau of Educator Certification (Feb. 23, 2017).

<sup>230</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.

<sup>231</sup> Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

<sup>232</sup> Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, [http://www.fldoe.org/edcert/mast\\_sub.asp](http://www.fldoe.org/edcert/mast_sub.asp) (last visited April 28, 2016).

<sup>233</sup> Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

<sup>234</sup> 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.stml> (last visited Mar. 9, 2017).

<sup>235</sup> Section 1012.56(7), F.S. (flush-left provisions at end of subsection).

<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

<sup>238</sup> Section 1012.56(2)(a)-(f), F.S.; see *supra* text accompanying notes 12-15.

<sup>239</sup> Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, [http://www.fldoe.org/edcert/mast\\_gen.asp](http://www.fldoe.org/edcert/mast_gen.asp) (last visited Mar. 9, 2017).

<sup>240</sup> Section 1012.56(2)(h) and (5), F.S.

<sup>241</sup> 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](http://www.fldoe.org/edcert/mast_prof.asp) (last visited Mar. 9, 2017) [hereinafter *Professional Preparation and Education Competence*].

<sup>242</sup> Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C.

Education Test (PET), Subject Area Examination (SAE), and General Knowledge Test (GKT) required by state board rule;<sup>243</sup>

- 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;<sup>244</sup>
- completing 15 semester hours in professional preparation courses specified in state board rule<sup>245</sup> or completing the Professional Training Option for Content Majors;<sup>246</sup> completing requirements for practical experience in teaching;<sup>247</sup> completing an approved professional education competence demonstration program;<sup>248</sup> and passing the PET, SAE, and GKT;<sup>249</sup>
- providing documentation of a valid professional standard teaching certificate issued by another U.S. state or by the National Board Professional Teaching Standards (NBPTS);<sup>250</sup>
- 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;<sup>251</sup> 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.<sup>252</sup>

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

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<sup>243</sup> 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.

<sup>244</sup> 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.

<sup>245</sup> 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.

<sup>246</sup> 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.

<sup>247</sup> *Professional Preparation and Education Competence*, supra note 237; see rules 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.

<sup>248</sup> 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.

<sup>249</sup> Section 1012.56(6)(f), F.S.

<sup>250</sup> Section 1012.56(6)(c)-(d), F.S.; see rule 6A-4.002(1)(i)-(j), F.A.C.

<sup>251</sup> Section 1012.56(6)(d), F.S.; rule 6A-4.002(1)(j), F.A.C.; *Professional Preparation and Education Competence*, supra note 237.

<sup>252</sup> 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.



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.<sup>254</sup>

A professional certificate must be renewed every five years.<sup>255</sup> An educator must submit an application,<sup>256</sup> pay a fee,<sup>257</sup> and earn at least six college credits or 120 inservice points to renew professional certification.<sup>258</sup> At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.<sup>259</sup> 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.<sup>260</sup> 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.<sup>261</sup>

State board rule includes special provisions for teachers of limited English proficient students, teachers of students with disabilities and teachers of reading.<sup>262</sup> 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.<sup>263</sup> 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.<sup>264</sup>

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<sup>253</sup> Chapter 2016-117, L.O.F.

<sup>254</sup> 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>.

<sup>255</sup> Section 1012.585(2)(a), F.S.

<sup>256</sup> 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.

<sup>257</sup> The fee for a certification renewal is \$75. Rules 6A-4.0051(3)(b), F.A.C. and 6A-4.0012(1)(a)1.

<sup>258</sup> 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).

<sup>259</sup> Section 1012.585(3)(a), F.S.

<sup>260</sup> Section 1012.585(3)(c), F.S.; rule 6A-4.0051(2)(c), F.A.C.

<sup>261</sup> Section 1012.585(3)(a), F.S.

<sup>262</sup> Rule 6A-4.0051(5), F.S.

<sup>263</sup> Section 1012.585(3)(d)1., F.S.

<sup>264</sup> Section 1012.585(3)(d)2., F.S.

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.<sup>265</sup>

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.<sup>266</sup> Certification by NBPTS is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.<sup>267</sup>

### *Teacher Preparation*

There are various teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:<sup>268</sup>

- **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.<sup>269</sup>
- **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.<sup>270</sup>

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.<sup>271</sup> 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,

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<sup>265</sup> 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.*

<sup>266</sup> 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.

<sup>267</sup> Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

<sup>268</sup> 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.

<sup>269</sup> Rule 6A-5.066, F.A.C.

<sup>270</sup> Section 1012.98(1), F.S.

<sup>271</sup> Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.



and available assistance.<sup>272</sup> 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.<sup>273</sup> 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.<sup>274</sup>

Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of FCS institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.<sup>275</sup> 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.<sup>276</sup>

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.<sup>277</sup>

### *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.”<sup>278</sup> 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

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<sup>272</sup> *Id.*

<sup>273</sup> Section 1012.98(11), F.S.

<sup>274</sup> Section 1012.98(7), F.S.

<sup>275</sup> Section 1012.98(4)(b), F.S.

<sup>276</sup> Section 1012.98(4)(b), F.S.

<sup>277</sup> Section 1012.98(9), F.S.

<sup>278</sup> Richard Ingersoll, *Beginning Teacher Induction: What the Data Tell Us*, [http://www.edweek.org/ew/articles/2012/05/16/kaplan\\_ingersoll.h31.html](http://www.edweek.org/ew/articles/2012/05/16/kaplan_ingersoll.h31.html) (last visited Mar. 6, 2017).

higher clip than experienced ones or teachers who retire.<sup>279</sup> Beginning teachers who leave the profession often report a lack of adequate administrative support as a motivating factor.<sup>280</sup> 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.<sup>281</sup> However, there is great variation in the quality of induction opportunities offered to new teachers between states and school districts.<sup>282</sup>

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.<sup>283</sup>

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.<sup>284</sup> 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,<sup>285</sup> 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 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 the mentorship and induction activities to be provided during 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.

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<sup>279</sup> *See id.*

<sup>280</sup> *Id.*

<sup>281</sup> *See id.*

<sup>282</sup> *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>.

<sup>283</sup> *See* Richard Ingersoll, *Beginning Teacher Induction: What the Data Tell Us*, [http://www.edweek.org/ew/articles/2012/05/16/kappan\\_ingersoll.h31.html](http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html) (last visited Mar. 6, 2017).

<sup>284</sup> *See* s. 1012.56(8)(a)3., F.S.

<sup>285</sup> *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.

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 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. In addition, the bill requires the DOE to electronically notify a temporary certificate holder, at least 1 year in advance, the date that his or her certificate will expire. The notification must include the methods by which the certificate holder can complete the requirements for a professional certificate.

The bill requires the SBE to adopt rules that would add another year to a temporary certificate if the certificate holder is rated effective or highly effective based solely on a student learning growth model adopted by the Commissioner of Education.

## **Teacher Training, Certification, and Endorsement in Reading Instruction**

### Present Situation

#### *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.<sup>286</sup> The Legislature formally created the Just Read, Florida! Office (Office) within the Department of Education in 2006.<sup>287</sup>

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<sup>286</sup> Exec. Order No. 01-260 (2001).

<sup>287</sup> Section 8, ch. 2006-74, L.O.F.

The Office must:

- train highly effective reading coaches;
- 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. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum;
- provide parents with information and strategies for assisting their children in reading in the content area;
- provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation and annually review and approve such plans;<sup>288</sup>
- review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan;
- 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 the Sunshine State Standards for reading at all grade levels;
- 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;
- 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; and
- administer grants and perform other functions as necessary to meet the goal that all students read at grade level.<sup>289</sup>

### *Certification and Endorsement*

Each educator certificate has subject area “coverage”--a designation on the certificate that indicates the field in which the educator has content knowledge (e.g., Mathematics, grades 6-12). An “endorsement” is a “rider” shown on an educator certificate that signifies the educator has knowledge of instructional strategies that target particular levels, stages of development, or circumstances (e.g., Reading Endorsement or Endorsement in English for Speakers of Other Languages).

To add subject area coverage or an endorsement to a professional certificate or temporary certificate, an educator must submit an application and the required fee and complete requirements as specified in state board rule.

The specialization requirements for a K-12 reading certification are:

- a master's or higher degree with a graduate major in reading; or
- a bachelor's or higher degree with 30 semester hours in reading to include the following areas:
  - Six semester hours in foundations of reading instruction to include the elementary and secondary levels
  - Six semester hours in diagnosis of reading disabilities and techniques of corrective or remedial reading
  - Three semester hours in educational measurement
  - Three semester hours in literature for children or adolescents
  - Three semester hours in methods of teaching language arts at the elementary or secondary level

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<sup>288</sup> Requirements relating to district reading plans are found in s. 1011.62(9), F.S.

<sup>289</sup> Section 1001.215, F.S.

- Three semester hours in administration and interpretation of instructional assessments with instructional strategies and materials based upon scientifically based reading research for the prevention and remediation of reading difficulties
- Three semester hours in a supervised reading practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and intervention of reading difficulties<sup>290</sup>

The specialization requirements for a reading endorsement are a bachelor's or higher degree with certification in an academic, degreed vocational, administrative, or specialty class coverage and 15 semester hours in reading coursework, based upon scientifically based reading research with a focus on both the prevention and remediation of reading difficulties, to include the following:

- Six semester hours in understanding reading as a process of student engagement in both fluent decoding of words and construction of meaning
- Three semester hours in the administration and interpretation of instructional assessments to include screening, diagnosis, and progress monitoring with purposes of prevention, identification, and remediation of reading difficulties
- Three semester hours in understanding how to prescribe, differentiate instruction, and utilize appropriate strategies and materials based upon scientifically based reading research in order to address the prevention, identification, and remediation of reading difficulties in order to increase reading performance
- Three semester hours in a supervised practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and remediation of reading difficulties<sup>291</sup>

### *Teacher Preparation*

The uniform core curricula for teacher preparation programs must include content in scientifically based reading instruction contained in the reading endorsement competencies adopted by the SBE.<sup>292</sup> The reading endorsement competencies include five major components:

- Competency 1: Foundations of Reading Instruction
- Competency 2: Application of Research-Based Instructional Practices
- Competency 3: Foundations of Assessment
- Competency 4: Foundations and Applications of Differentiated Instruction
- Competency 5: Demonstration of Accomplishment (Culminating Practicum)

Students at an initial teacher preparation program who are a candidate in prekindergarten-primary (age 3-Grade 3), elementary (K-6), reading (K-12) and exceptional student education (K-12) certification programs must be prepared in reading endorsement competencies 1 through 4.<sup>293</sup> Candidates in educator preparation institutes and district professional development certification programs must be prepared in only competencies 1 and 2.<sup>294</sup>

### Effect of Proposed Changes

The bill requires the Office to identify proven reading instruction and intervention programs<sup>295</sup> that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics,

<sup>290</sup> Rule 6A-4.0291, F.A.C.

<sup>291</sup> Rule 6A-4.0292, F.A.C.

<sup>292</sup> See ss. 1004.04(2)(b)3. and 1004.85(3)(a)c., F.S. See also rules 6A-4.0163 and 6A-5.066(1)(hh)4., F.A.C.

<sup>293</sup> Rule 6A-5.066(1)(hh)4.a., F.A.C.

<sup>294</sup> Rule 6A-5.066(1)(hh)4.b., F.A.C.

<sup>295</sup> The bill defines “reading interventions” as evidence-based strategies frequently used to remediate reading deficiencies and include individual instruction, tutoring, or mentoring that target specific reading skills and abilities.

vocabulary, fluency, and text comprehension and incorporate decodable or phonetic instructional strategies. The bill specifies that reading intervention includes evidence-based strategies frequently used to remediate reading deficiencies and includes individual instruction, multisensory approaches, tutoring, and mentoring.

The bill also requires the Office to work with the Lastinger Center for Learning at the University of Florida to develop training for teachers, reading coaches, and principals on integrating content knowledge-rich texts from other core subject areas into reading instruction and evidence-based reading strategies.

The bill requires the uniform core curricula used by teacher preparation programs and educator preparation institutes to include scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies. The Office must assist teacher preparation programs and educator preparation institutes with this requirement.

The bill requires the Office to review teacher certification and alternative certification requirements, as well as examinations, to determine whether skills needed for evidence-based reading instruction are measured.

By July 1, 2018, and at least once every five years thereafter, the DOE must review specialization and coverage area requirements in the elementary, reading, and exceptional student educational areas. At the conclusion of each review, the department must recommend to the SBE changes to the specialization and coverage area requirements based upon any instructional or intervention strategies identified by the DOE that are proven to improve student reading performance.

The bill requires an applicant for renewal of an identified professional certificate with a beginning validity date of July 1, 2020, or thereafter to complete a minimum of 2 college credit hours (equivalent to 40 inservice points or 40 hours) in the use of explicit, systematic, and sequential approaches to reading instruction, developing phonemic awareness, and implementing multisensory intervention strategies. The training must be provided by approved Florida teacher preparation programs or school district professional development programs.

The bill limits the training that may satisfy certification renewal requirements for teachers who hold a certificate in an area that involves reading instruction or intervention for K-6 students. However, the bill specifies that scientifically researched, knowledge-based reading literacy including explicit, systematic, and sequential approaches to reading instruction, developing phonemic awareness, and implementing multisensory intervention strategies may be applied to any specialization area.

The bill provides that inservice points earned through participation in professional growth components in a school district's plan for inservice educational training may not be used to satisfy specialization requirements for renewal, but may be used to satisfy nonspecialization requirements. The bill eliminates the authority to use credit or points earned for service as a trainer or as a part of a committee or council towards the fulfillment of the credit requirements.

The bill requires each school district's professional development system to provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting which are proven to improve reading performance for all students; and using predictive and other data to make instructional decisions based on individual student needs. All elementary grades instructional personnel must be provided access to sufficient training so they can meet certification or endorsement requirements established by the state board with respect to reading instruction and intervention.

## Reading Instruction and Intervention

### Present Situation

#### *Intervention and Instruction*

The law requires school districts to identify students with deficiencies in reading. For kindergarten through grade 3, students who exhibit a “substantial reading deficiency” based upon locally determined or statewide assessments or through teacher observations must be given intensive reading instruction immediately following the identification of the deficiency.<sup>296</sup> Each student who does not achieve a Level 3 or above on the statewide, standardized English Language Arts (ELA) assessment (administered in grades 3 through 10) must be evaluated to determine the nature of the student’s difficulty, the areas of academic need, and strategies for providing academic supports to improve the student’s performance.<sup>297</sup>

Within the first 30 days of the school year, each school must administer a statewide kindergarten screening to each kindergarten student in the school district.<sup>298</sup> The screening must provide objective data concerning each student’s readiness for kindergarten and progress in attaining VPK performance standards.<sup>299</sup> The screener administered by the department will be developed by Renaissance Learning, Inc.<sup>300</sup>

Students who do not meet school district or state requirements for satisfactory performance in ELA and mathematics must be covered by a federally required plan such as an individual education plan (IEP), a schoolwide system of progress monitoring, or an individualized progress monitoring plan.<sup>301</sup>

District school boards must prioritize allocation of remedial and supplemental instruction resources first to students who are deficient in reading by the end of grade 3 and then to students who fail to meet performance levels required for promotion consistent with the district’s student progression plan.<sup>302</sup>

School districts have a variety of intervention options available to help students improve their academic performance, from instructional materials to intervention systems that allow teachers and schools monitor the progress of students and determine appropriate supports. The law requires districts to develop and implement a multi-tiered system of supports (MTSS), which utilizes a problem-solving process to identify and support student needs based upon available data, including attendance, behavior and discipline, statewide assessment, and progress monitoring data.<sup>303</sup> The process must include parent involvement, student observation, review of data, vision and hearing screening to rule out sensory deficits, and evidence-based interventions implemented in the general education environment.<sup>304</sup>

Teachers typically administer interventions; however, at some schools, districts provide other staff, such as interventionists, to assist teachers in delivering the interventions. The timeline for administering interventions may vary by school level. OPPAGA’s 2015 study indicates that elementary schools often provide interventions during a dedicated time in the school day, whereas middle and high schools often provide interventions during intensive reading classes.<sup>305</sup>

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<sup>296</sup> Section 1008.25(5)(a), F.S. Students in kindergarten through 2nd grade do not participate in statewide, standardized assessments.

<sup>297</sup> Section 1008.25(4)(a).

<sup>298</sup> Section 1002.69, F.S.

<sup>299</sup> *Id.*; s. 1002.67(1), F.S.

<sup>300</sup> On January 9, 2017, the department issued an Intent to Award a contract to Renaissance Learning, Inc. to provide the kindergarten readiness screener. *See* Florida Department of Education, Bid No. ITN 2017-11 Intent to Award (Jan. 9, 2017).

<sup>301</sup> Section 1008.25(4)(b), F.S.

<sup>302</sup> Section 1008.25(3), F.S.

<sup>303</sup> *See* Rules 6A-6.0331(1) and 6A-1.099811(2)(r), F.A.C.

<sup>304</sup> Rule 6A-6.0331(a), F.S.

<sup>305</sup> *See id.*

A school district has discretion to retain a student at any grade level if, after implementing a progress monitoring plan for a student identified as having an academic deficiency, subsequent evaluations of the student indicate that the deficiency has not been remediated. Retention is mandatory for 3rd graders who score at Level 1 on the statewide, standardized ELA assessment, unless the student meets a good cause exemption.<sup>306</sup> Good cause exemptions exist for a student who:

- is limited English proficient and has had less than two years of instruction in an English for Speakers of Other Languages program;
- has a disability for which the IEP indicates that participation in the statewide assessment program is not appropriate;
- demonstrates an acceptable level of performance on an alternative standardized reading or ELA assessment approved by the state board;
- demonstrates, through a student portfolio, that he or she is performing at least at Level 2 on the statewide, standardized ELA assessment;
- has a disability, takes the statewide, standardized ELA assessment, and has an IEP or a Section 504 plan indicating that he or she has received intensive remediation in reading and ELA for more than two years but still demonstrates a deficiency and was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade; or
- has received intensive remediation in reading and ELA for two or more years but still demonstrates a deficiency and who was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade for a total of two years. Intensive reading instruction provided to a student so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for the student.<sup>307</sup>

A student who is retained in 3rd grade must be provided a teacher rated “highly effective” and intensive interventions in reading to remedy the student’s specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district’s summer reading camp, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade.<sup>308</sup> Further, the school district must provide the student a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

- Integration of science and social studies content within the 90-minute block
- Small group instruction
- Reduced teacher-student ratios
- More frequent progress monitoring
- Tutoring or mentoring
- Transition classes containing 3rd and 4th grade students
- Extended school day, week, or year<sup>309</sup>

Districts must establish at each school, when applicable, an intensive acceleration class for retained 3rd grade students who subsequently score Level 1 on the statewide, standardized ELA assessment. The class must focus on increasing a child’s reading and English Language Arts skill level at least two grade levels in one school year.<sup>310</sup>

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<sup>306</sup> Section 1008.25(5)(a)-(b), F.S.

<sup>307</sup> Section 1008.25(6)(b), F.S.

<sup>308</sup> Section 1008.25(7)(b), F.S.

<sup>309</sup> *Id.*

<sup>310</sup> Section 1008.25(7)(b)5., F.S. This provision is obsolete, as the law now prohibits retaining a student more than once in third grade. *See s. 1008.25(6)(b)6., F.S.*



The class must:

- be provided to a student in grade 3 who scores Level 1 on the statewide, standardized English Language Arts assessment and who was retained in grade 3 the prior due to scoring Level 1;
- have a reduced teacher-student ratio;
- provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 academic standards in other core subject areas;
- use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year; and
- provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

Each district school board must annually report to the parent of each student, in a format determined by the board, the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. The student's results on each statewide assessment test must be provided to the parent.<sup>311</sup>

The law requires school districts to hire reading coaches (also referred to as literacy coaches) for schools determined to have the greatest need. Reading coaches who are funded using the district's Research-Based Reading Instruction Allocation must be hired as a full-time coach.<sup>312</sup>

All schools utilizing reading coaches must implement the Just Read, Florida! reading/literacy coach model. The model requires that coaches support and provide initial and ongoing professional development to teachers in:

- each of the major reading components,<sup>313</sup> as needed, based on an analysis of student performance data;
- administration and analysis of instructional assessments; and
- providing differentiated instruction and intensive intervention.

In addition, reading coaches must, among other things:

- model effective instructional strategies for teachers;
- train teachers in data analysis and using data to differentiate instruction;
- provide daily support to classroom teachers;
- work with teachers to ensure that research-based reading programs (comprehensive core reading programs, supplemental reading programs and comprehensive intervention reading programs) are implemented with fidelity;
- help lead and support reading leadership teams at their school(s);
- continue to increase their knowledge base in best practices in reading instruction, intervention, and instructional reading strategies;
- work with all teachers in the school they serve, prioritizing their time to those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in classrooms;
- work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms; and
- spend limited time administering or coordinating assessments.<sup>314</sup>

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<sup>311</sup> Section 1008.25(8)(a), F.S.

<sup>312</sup> Rule 6A-6.053(6)(e), F.A.C.

<sup>313</sup> The major components include phonemic awareness; phonics; vocabulary development; reading fluency, including oral reading skills; and reading comprehension Rule 6A-6.0331(6)(d)1., F.A.C.

<sup>314</sup> Rule 6A-6.053(6)(e), F.A.C.

Currently, an individual may be hired as a reading coach if he or she has a minimum of a bachelor's degree and advanced coursework or professional development in reading. The reading coach must be endorsed or K-12 certified in the area of reading; however, the law still allows individuals to be hired as a reading coach if they are working toward their reading certification or endorsement by completing a minimum of two reading endorsement competencies of 60 inservice hours each or six semester hours of college coursework in reading per year.

### *Instructional Materials*

By July 1 each year and before instructional materials funds may be released to the school district, the district's superintendent must certify to the commissioner that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs. The report must verify that training was provided and that the materials are being implemented as designed.<sup>315</sup>

Funding for instructional materials is provided annually by the Legislature in the General Appropriations Act. Up to 50 percent of the annual allocation provided in the General Appropriations Act for instructional materials may be used by school districts to purchase materials not on the state-adopted list, including library and reference books and nonprint materials, and for the repair and renovation of textbooks and library books. The remainder of the allocation must be used to purchase "digital or electronic instructional materials that align with state standards included on the state-adopted instructional materials list."<sup>316</sup> Instructional materials funds available after March 1 may be used to purchase hardware for student instruction.<sup>317</sup> In any year in which the total instructional materials allocation for a school district has not been expended or obligated prior to June 30, the district school board must carry forward the unobligated amount and must add that amount to the next year's allocation.<sup>318</sup>

Materials purchased by a school district that are not on the state-adopted list or otherwise made available in a classroom might not undergo any adoption review or public review process.<sup>319</sup>

### *Reading and Supplemental Academic Instruction Allocations*

In 1999, the Legislature created the Supplemental Academic Instruction (SAI) Categorical Fund as part of the A+ Education Plan<sup>320</sup> for the purpose of assisting school districts in providing supplemental instruction to students in kindergarten through grade 12.<sup>321</sup>

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 instruction.<sup>322</sup> After this requirement has

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<sup>315</sup> Section 1011.67(2), F.S.

<sup>316</sup> Sections 1006.28(1)(a)1. and 1006.40(3), F.S. Materials not on the state adopted list include library books, reference books, and non-print materials. Section 1006.40(3)(b), F.S.

<sup>317</sup> Section 1011.62(6)(b)5., F.S.

<sup>318</sup> Section 1006.40(7), F.S.

<sup>319</sup> *E.g.*, novels that are included in a recommended or required reading list or checked out of the school library by the classroom teacher or a student.

<sup>320</sup> Section 23, ch. 99-398, L.O.F.

<sup>321</sup> 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>.

<sup>322</sup> Section 1011.62(1)(f), F.S.

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.

In addition to the SAI categorical fund, school districts may use funds from the research-based reading instruction allocation to provide comprehensive reading instruction to students in kindergarten through grade 12.<sup>323</sup> The funds must be used to provide a system of comprehensive reading instruction to K-12 students, which may include providing:<sup>324</sup>

- an additional hour per day of intensive reading instruction to students in the 300 lowest-performing elementary schools by teachers and reading specialists who are effective in teaching reading;
- intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency through K-5 reading intervention teachers;
- highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content area based on student need;
- professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text;
- summer reading camps for all K-2 students who demonstrate a reading deficiency and students in grades 3-5 who score at Level 1 on the statewide, standardized reading assessment or ELA assessment;
- supplemental instructional materials grounded in scientifically based reading research; and
- intensive interventions for K-12 students who have been identified as having a reading deficiency or who are reading below grade level.

School districts must annually submit a K-12 comprehensive reading plan for the specific use of the allocation to the Office,<sup>325</sup> which reviews and approves the district's plan.<sup>326</sup> School districts have flexibility in developing their plans and are encouraged to offer reading intervention through innovative methods.<sup>327</sup> One hundred percent of the research-based reading instruction allocation must be used to implement a school district's approved plan.<sup>328</sup>

For the 2016-2017 fiscal year, school districts with one or more of the 300 lowest-performing elementary schools based on the statewide, standardized ELA assessment were required to use at least \$15 million of the research-based reading instruction allocation<sup>329</sup> for the required additional hour of intensive reading instruction.

## Effect of Proposed Changes

### *Intervention and Instruction*

The bill requires district school boards, when allocating remedial and supplemental instruction resources, to give the highest priority to students in kindergarten through grade 3 who have a substantial reading deficiency, instead of just those students in grade 3. The bill requires that data from the kindergarten screening, along with other available data, be used to identify students in need of intervention and support.

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<sup>323</sup> Section 1011.62(9), F.S.

<sup>324</sup> *Id.* at (9)(c).

<sup>325</sup> Section 1011.62(9)(d), F.S. *See also* Rule 6A-6.053, F.A.C.

<sup>326</sup> *Id.*

<sup>327</sup> *Id.*

<sup>328</sup> *Id.*

<sup>329</sup> Specific Appropriations 7 and 9, s. 2, ch. 2016-66, L.O.F. The amount of \$115,000 was allocated to each district and the remaining balance allocated based on each district's proportion of the total K-12 based funding. *Id.*

The bill requires that students in kindergarten through grade 3 who are identified as having a substantial reading deficiency be provided an individual progress monitoring plan, a federal plan (such as an IEP), or both if necessary, and eliminates the requirement that a student be covered by a schoolwide progress monitoring plan. The bill does not prohibit or otherwise preclude the use of a schoolwide plan; however, once a student is identified as having a substantial reading deficiency, instructional strategies and goals must be developed based on the individual student's needs. Such students must be provided intensive, explicit, systematic, and multisensory reading interventions immediately following identification of the substantial deficiency. The SBE must identify in rule guidelines for determining whether a student in kindergarten through grade 3 has a substantial reading deficiency.

The bill prohibits schools from waiting until a student receives a failing grade at the end of the grading period to identify the deficiency and initiate interventions. Consequently, schools should increase the use of predictive data to guide instructional strategies, encourage consistent evaluation of student progress in response to instruction in the general classroom setting, and provide more frequent communication with parents on the progress of their child.

The bill requires that the interventions school districts provide to students who are retained in 3rd grade include evidence-based, explicit, systematic, and multisensory instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Beginning July 1, 2020, retained 3rd grade students must be taught by a teacher who holds a reading certification or endorsement. This is in addition to the current requirement that the teacher be rated "highly effective."

The bill also deletes duplicative language regarding good cause exemptions for retained third-grade students and requires intensive interventions for any student with a substantial reading deficiency who may be promoted using a good cause exemption. Students who have been retained for a total of two years between kindergarten and grade three and who have received intensive reading intervention for 2 or more years but still demonstrate a reading deficiency remain eligible for a good cause exemption. No student may be retained more than once in grade 3.

The bill expands the intensive acceleration course currently provided to retained 3rd graders to also include students who were previously retained in kindergarten, 1st grade, or 2nd grade. The intensive acceleration reading course must include:

- uninterrupted reading instruction for the majority of the school contact time each day and opportunity to master the grade 4 NGSSS in other core subject areas through content-rich texts;
- small group instruction;
- reduced teacher-student ratios;
- the use of explicit, systematic, and multisensory reading interventions, including intensive language and vocabulary instruction and use of a speech-language therapist if necessary, that has proven results in accelerating student reading achievement within the same school year; and
- a read at home plan.

The bill requires school districts to assist schools and teachers with implementing explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted to 4th grade with a good cause exemption.

### *Instructional Materials*

Beginning July 1, 2021, each district school superintendent must certify to the commissioner, prior to the release of instructional material funds, that the district's K-5 core and supplemental intervention reading materials incorporate the instructional and intervention strategies identified by the Office. The

certification requirement applies to core reading materials starting with the next English language arts instructional materials adoption cycle, which will occur in 2020.<sup>330</sup>

The bill requires all of the instructional materials allocation funds to be used on state-adopted list by repealing the requirement that at least 50 percent of the annual allocation amount be used to purchase digital or electronic instructional materials.

### *Reading and Supplemental Academic Instruction Allocations*

The bill revises SAI and reading allocation provisions regarding the extra hour of reading at the 300 lowest-performing elementary schools by:

- codifying the program in statute, rather than relying on annual reauthorization. The program was established for three years beginning in the 2012-2013 fiscal year but has been extended annually in the implementing bill since the 2015-2016 fiscal year;
- codifying the methodology for calculating the allocation of SAI funds, which includes funds for the “extra hour of reading” requirement; and
- requiring school districts to delineate the implementation design and reading intervention strategies for the program as part of their comprehensive reading plan.

## **Civic Literacy**

### 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.<sup>331</sup> 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 DOE for approval.<sup>332</sup> 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.”<sup>333</sup> 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.<sup>334</sup>

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<sup>330</sup> Florida Department of Education, *Florida Instructional Materials Adoption Schedule for Adoption Years 2015-2016 through 2019-2020* (Feb. 3, 2015), available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>.

<sup>331</sup> Section 1003.42(2)(a)-(d), F.S.

<sup>332</sup> Section 1003.42(2)(s), F.S.

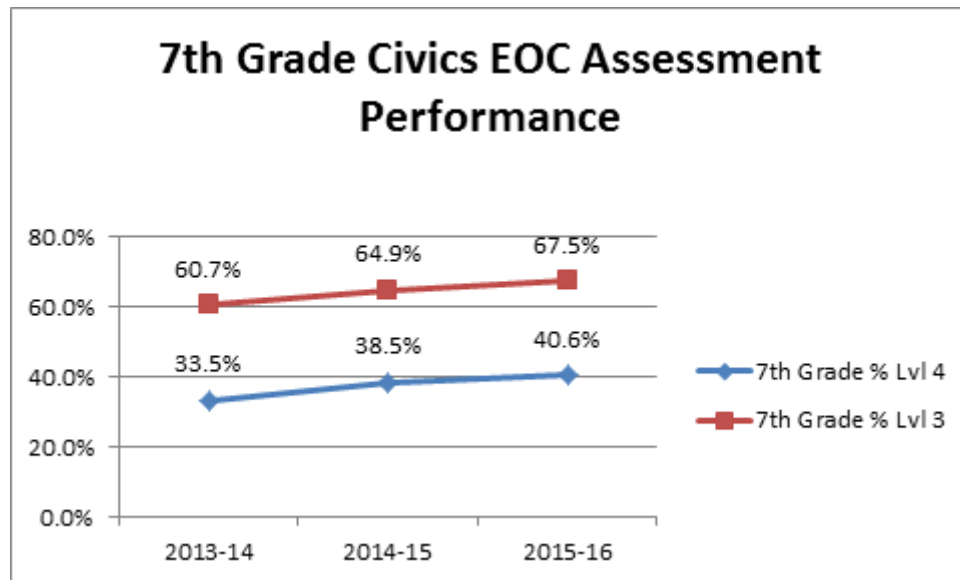
<sup>333</sup> *Id.*

<sup>334</sup> *Id.*

Currently, Florida's NGSSS for social studies include civics content in kindergarten through grade 8 and in grades 9 through 12.<sup>335</sup> The standards were initially adopted after a review process in 2008 and then revised in 2014 by the SBE.<sup>336</sup>

Each middle grades student must successfully complete three middle school or higher courses in social studies in order to be promoted to high school.<sup>337</sup> One semester of the three courses must be in civics. Students enrolled in the civics course must take the statewide Civics 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.<sup>338</sup>

The percentage of 7<sup>th</sup> 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.<sup>339</sup>



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.<sup>340</sup> 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.<sup>341</sup>

<sup>335</sup> 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).

<sup>336</sup> 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>.

<sup>337</sup> Section 1003.4156(1)(c), F.S.

<sup>338</sup> See ss. 1003.4156(1)(c), 1008.34(3)(b)1.i., F.S.

<sup>339</sup> Florida Department of Education, PK-12 Education Information Portal: *Civics EOC*, <https://edstats.fldoe.org/SASPortal/public> (last visited Feb. 27, 2017).

<sup>340</sup> Section 1003.4282(3)(d), F.S.

<sup>341</sup> *Id.*

Although the law provides for civics-related academic standards and promotion and graduation requirements, there is no postsecondary civics course requirement in Florida.<sup>342</sup> Currently, students entering postsecondary education at a FCS or State University System (SUS) institution must complete at least one social sciences course as part of the general education core course requirement.<sup>343</sup> The six courses that students can select to satisfy the social sciences requirement include:

- American History
- Government
- Economics
- Anthropology
- Sociology
- Psychology<sup>344</sup>

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.<sup>345</sup> Currently, only nine states have postsecondary civics education requirements, including Texas, Oklahoma, Utah, Arkansas, California, Georgia, Massachusetts, Missouri, and Nevada.<sup>346</sup>

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.<sup>347</sup> 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.<sup>348</sup> 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.<sup>349</sup>

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

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<sup>342</sup> 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>.

<sup>343</sup> See s. 1007.25(3), F.S.

<sup>344</sup> 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).

<sup>345</sup> 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>.

<sup>346</sup> See *id.*

<sup>347</sup> Daniel Wilingham, *How Knowledge Helps*, <http://www.aft.org/periodical/american-educator/spring-2006/how-knowledge-helps> (last visited Feb. 28, 2017).

<sup>348</sup> 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).

<sup>349</sup> See *id.*

compared to science and social studies instruction has been associated with students' decreased reading comprehension.<sup>350</sup>

| 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.

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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.<sup>352</sup> 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.<sup>353</sup> Students in New York classrooms that participated in a 3-year pilot program using the curriculum were shown to have greater gains in reading, science, and social studies than students in comparison schools.<sup>354</sup>

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 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 NGSSS 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

<sup>350</sup> 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>.

<sup>351</sup> *Id* at 5.

<sup>352</sup> 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>.

<sup>353</sup> New York State Education Department, *New York State ELA Curriculum*, <https://www.engageny.org/english-language-arts> (last visited Feb. 28, 2017).

<sup>354</sup> 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](http://www.coreknowledge.org/mimik/mimik_uploads/documents/712/CK%20Early%20Literacy%20Pilot%203%2012%2012.pdf).



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:

- develop a new course in civic literacy or revise an existing general education core course in American Government or American History to include civic literacy; 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.

The assessment must be an existing assessment that measures competencies consistent with the minimum course competencies under the bill.

## **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),<sup>355</sup>
- full-time enrollment in a virtual charter school;<sup>356</sup>
- enrollment in individual virtual courses offered by school districts and approved by DOE,<sup>357</sup> and
- full-time or part-time enrollment in the Florida Virtual School (FLVS) or school district FLVS franchises<sup>358</sup>

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:<sup>359</sup>

- 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.<sup>360</sup>

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.<sup>361</sup>

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<sup>355</sup> Section 1002.45, F.S.

<sup>356</sup> Sections 1002.33(1) and 1002.45(1)(d), F.S.

<sup>357</sup> Section 1003.498, F.S.

<sup>358</sup> Sections 1002.37 and 1002.45(1)(a)1. and (c)1., F.S.

<sup>359</sup> Sections 1002.45(5) and 1002.455(2), F.S.

<sup>360</sup> Section 1002.455(2), F.S.

<sup>361</sup> Section 1002.37(8)(a), F.S.

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.<sup>362</sup>

### 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.

### **Gardiner Scholarship Program**

#### Present Situation

The Gardiner Scholarship Program (GSP) provides parents of eligible students with disabilities more flexibility to customize their child's education.<sup>363</sup> Funds are distributed to qualified<sup>364</sup> Scholarship Funding Organizations (SFOs) to establish accounts for eligible students.<sup>365</sup> 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.<sup>366</sup>

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.<sup>367</sup>

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,<sup>368</sup> and

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<sup>362</sup> Section 1002.455(2), F.S.

<sup>363</sup> Section 1002.385(1), F.S.

<sup>364</sup> Section 1002.385(2)(e), F.S.

<sup>365</sup> Section 1002.385, F.S.

<sup>366</sup> Section 1002.385(5), F.S.

<sup>367</sup> Section 1003.01(13)(b)-(d), F.S.

- has an IEP written in accordance with rules of the SBE or has received a diagnosis of one of the above disabilities from a licensed physician or a licensed psychologist.<sup>369</sup>

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.<sup>370</sup>

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.<sup>371</sup> The scholarship is provided on a first-come, first-served basis.<sup>372</sup>

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) Scholarship Program or the McKay Scholarship Program; or
- while receiving any other educational scholarship pursuant to chapter 1002.<sup>373</sup>

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<sup>374</sup>

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 DOE to offer specialized instructional services for children with disabilities;<sup>375</sup>

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<sup>368</sup> Section 1002.385(2)(d), F.S.

<sup>369</sup> Section 1002.385(3)(a), F.S.

<sup>370</sup> Section 1002.385(7)(a)1., F.S.

<sup>371</sup> Section 1002.385(3)(b), F.S.

<sup>372</sup> Section 1002.385(12)(b), F.S.

<sup>373</sup> Section 1002.385(4), F.S.

<sup>374</sup> Section 1002.385(5)(m), F.S.

<sup>375</sup> Section 1002.385(2)(a), F.S. See list of eligible providers at <http://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/gardiner/>.

- a postsecondary educational institution including a FCS 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;<sup>376</sup> and
- 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.<sup>377</sup>

Eligible providers may not share, refund or rebate any money from a student's GSP account with the parent or participating student.<sup>378</sup>

### Effect of Proposed Changes

The bill expands access to the GSP by including dual sensory impaired as a qualified disability and expands the 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
- closing a scholarship account and reverting funds 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.

## **High School Graduation Requirements**

### Present Situation

The law requires that a student successfully complete 24 credits in core-curricula and extracurricular courses in order to graduate from high school with a standard high school diploma.<sup>379</sup>

For grades 9 through 12, core curricula courses are those subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in state law as required for high school graduation but are not measured by state assessments.<sup>380</sup> Core courses are: English language arts, mathematics, science, and social studies.<sup>381</sup> The remaining required courses are

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<sup>376</sup> Section 1002.385(2)(f), F.S.

<sup>377</sup> Section 1002.385(2)(g), F.S.

<sup>378</sup> Section 1002.385(5), F.S.

<sup>379</sup> See s. 1008.4282(3)(a)-(g), F.S.

<sup>380</sup> Section 1003.01(14), F.S.

<sup>381</sup> See s. 1008.4282(3)(a)-(d), F.S.

extracurricular courses, which include but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit.<sup>382</sup>

*Core and Extracurricular Course and Credit Requirements*<sup>383</sup>

| Course   | Credit                                      |
|--|---|
| <b>English Language Arts (ELA)</b><br>ELA I, II, III, and IV   | 4   |
| <b>Mathematics</b><br>-One credit in Algebra I, one credit in Geometry, and two additional credits.<br>-A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two additional credits. Substitution may occur for up to 2 credits, with the exception of Algebra I and Geometry. | 4   |
| <b>Science</b><br>-One credit in Biology I and 2 credits in equally rigorous courses<br>-A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two equally rigorous courses.  | 3   |
| <b>Social Studies</b><br>-One credit in United States History; one credit in World History; one-half credit in U.S. Government, and one-half credit in Economics, which must include Financial Literacy.   | 3   |
| <b>Fine Arts, Performing Arts, Speech and Debate, or Practical Arts</b><br>-The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible courses are identified in the Course Code Directory. <sup>384</sup>  | 1   |
| <b>Physical Education</b><br>-Must include the integration of health.  | 1   |
| <b>Electives</b><br>-Must include opportunities for students to earn college credit, including industry-certified career programs or courses that lead to college credit.  | 8   |
| <b>Online Course Requirement</b> <sup>385</sup><br>-One of the courses within the 24 credits must be completed through online learning.  | Determined based upon the course completed. |

An online course provided by the Florida Virtual School, a virtual instruction provider approved by the SBE, or a high school or an online dual enrollment course taken in 6th, 7th or 8th grade fulfill the online

<sup>382</sup> Section 1003.01(15), F.S.

<sup>383</sup> Section 1003.4282(3), F.S.

<sup>384</sup> The Course Code Directory requires that programs and courses funded through the FEFP and courses or programs for which students may earn elective or required credit toward high school graduation must be listed in the Course Code Directory (CCD). Rule 6A-1.0944, F.A.C.

<sup>385</sup> Section 1003.4282(4), F.S. A school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57, F.S., which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school. *Id.*

course requirement.<sup>386</sup> 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

The law allows a student to satisfy the physical education course credit requirement by completing two seasons of a varsity or junior varsity sport; however, the student must still pass a personal fitness exam in order to satisfy the requirement.

### 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. The bill provides a student the option of taking either an online course or a blended learning course to satisfy the requirements for a standard high school diploma.

The bill also allows a student who completes 2 seasons of a varsity or junior varsity sport to satisfy the physical education requirements without having to pass a personal fitness exam.

## **School Attendance**

### Present Situation

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.<sup>387</sup> The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.<sup>388</sup> If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the absences to be excused. In such cases, the physician's excuse justifies absences beyond the maximum number of days permitted under the district school board's attendance policy.<sup>389</sup>

State law and state board rule also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays or because religious tenets forbid secular activity during the school day.<sup>390</sup>

### Effect of Proposed Changes

The bill:

- requires district school boards to adopt student absence policies regarding student appointments to receive autism spectrum disorder therapy, including but not limited to, applied behavioral analysis, speech therapy and occupational therapy;

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<sup>386</sup> Section 1003.4282(4)(a), F.S.

<sup>387</sup> Section 1003.24, F.S. (flush-left provisions at end of section).

<sup>388</sup> Section 1003.26, F.S.

<sup>389</sup> Section 1003.24(4), F.S.

<sup>390</sup> Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; rule 6A-1.09514(1) and (2), F.A.C.

- allows a parent to request and be granted permission for a student’s absence resulting from an appointment to receive therapy provided by a licensed health care practitioner or a certified behavior analyst for the treatment of autism spectrum disorder; and
- allows a student who is continually sick and repeatedly absent to satisfy nonattendance requirement by being under the supervision of a licensed health care practitioner or a certified behavior analyst for the treatment of autism spectrum disorder.

The term “licensed” is defined in law as any permit, registration, certificate or license, including a provisional license, issued by the Department of Health.<sup>391</sup>

The term “health care practitioner” is defined in law as any person licensed under chapter 457 (acupuncture); chapter 458 (medical practice); chapter 459 (osteopathic medicine); chapter 460 (chiropractic medicine); chapter 461 (podiatric medicine); chapter 462 (naturopathy); chapter 463 (optometry); chapter 464 (nursing); chapter 465 (pharmacy); chapter 466 (dentistry); chapter 467 (midwifery); part I (speech-language pathology), part II (nursing home administration), part III (occupational therapy), part V (respiratory therapy), part X (dietetics and nutrition practice), part XIII (athletic trainers), or part XIV (orthotics, prosthetics and pedorthics) of chapter 468; chapter 478 (electrolysis); chapter 480 (massage practice); part III (clinical laboratory personnel) or part IV (medical physicists) of chapter 483; chapter 484 (dispensing of optical devices and hearing aids); chapter 486 (physical therapy); chapter 490 (psychological services) or chapter 491 (clinical, counseling and psychotherapy services).<sup>392</sup>

A “certified behavior analyst” is a person who is certified under the Florida Behavior Certification Program in accordance with s. 393.17, F.S.<sup>393</sup>

## **Instructional Personnel Employment Contracts**

### Present Situation

Instructional personnel provide direct instructional services or direct instructional support to K-12 students. Instructional personnel include classroom teachers;<sup>394</sup> staff who provide student personal services, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists and education paraprofessionals under the direct supervision of instructional personnel.<sup>395</sup>

Three types of contracts are used to employ instructional personnel in Florida – continuing contracts, professional service contracts and annual contracts. Holding a continuing contract or professional service contract is often referred to as having tenured status.<sup>396</sup>

An annual contract is an employment contract for a period of no longer than one school year that a district school board may choose to award or not award without cause.<sup>397</sup> As of July 1, 2011, instructional personnel under an annual contract and personnel hired thereafter may only be employed on an annual contract basis. The first annual contract for newly hired instructional personnel is a one-year probationary contract, which may be terminated without cause or from which the employee may

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<sup>391</sup> Section 456.001(5), F.S.

<sup>392</sup> Section 456.001(4), F.S.

<sup>393</sup> Rule 59A-26.001, F.A.C.

<sup>394</sup> Classroom teachers include substitute teachers. Section 1012.01(2)(a), F.S.

<sup>395</sup> Section 1012.01(2), F.S.

<sup>396</sup> See s. 1012.33(3)(d), F.S. (2010). Tenure is an employment policy which limits a public school district’s ability to terminate the employment of instructional personnel. See 67B Am. Jur. 2d Schools s. 195; see also s. 1012.33(3), F.S. Tenure usually takes the form of a continuous or automatically renewing employment contract. Tenured instructional personnel may only be dismissed for specified reasons after statutorily required hearings. See *Board of Regents v. Roth*, 408 U.S. 564 (1972); 67B Am. Jur. 2d Schools s. 211.

<sup>397</sup> Section 1012.335(1)(a), F.S.

resign without breach of contract. “Newly hired instructional personnel” include employees new to the profession or employees with experience who are new to the school district.<sup>398</sup>

Upon successful completion of the one-year probationary contract, district school boards may award subsequent annual contracts if the employee:

- is certified;
- has been recommended by the superintendent based upon his or her performance evaluation, and approved by the district school board; and
- has not received two consecutive unsatisfactory evaluations, two unsatisfactory evaluations within a three-year period or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory.<sup>399</sup>

### Effect of Proposed Changes

The bill reiterates that a school district must issue contracts on an annual basis and may not:

- award an annual contract to instructional personnel based on a contingency or condition that is not expressed in law by the Legislature; or
- alter or limit its authority to award or not award an annual contract to instructional personnel as provided in s. 1012.335, F.S.

These provisions apply only to collective bargaining agreements entered into or renewed by a district school board on or after this law is enacted.

## **High Growth District Capital Outlay Assistance Grant Program**

### Present Situation

The High Growth District Capital Outlay Grant Program was created in 2005<sup>400</sup> to provide funding to construct new student stations for school districts that meet the following criteria:<sup>401</sup>

- The district must have levied the full 1.5 mills of nonvoted discretionary capital outlay millage authorized in s. 1011.71(2) for each of the past 4 fiscal years
- Fifty percent of the revenue derived from the maximum nonvoted discretionary capital outlay millage for the past 4 fiscal years, when divided by the district’s growth in capital outlay FTE students over this period, produces a value that is less than the average cost per student station calculated pursuant to s. 1013.64(6)(b)1., and weighted by statewide growth in capital outlay FTE students in elementary, middle, and high schools for the past 4 fiscal years
- The district must have equaled or exceeded twice the statewide average of growth in capital outlay FTE students over this same 4-year period
- The Commissioner of Education must have released all funds allocated to the district from the Classrooms First Program, and these funds were fully expended by the district as of February 1 of the current fiscal year
- The total capital outlay FTE students of the district is greater than 15,000 students

The High Growth District Capital Outlay Grant Program has never been implemented. The legislation establishing the program, ch. 2005-209, L.O.F., appropriated \$30 million for the program, but the Governor vetoed that appropriation.<sup>402</sup> The program has not subsequently been funded.

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<sup>398</sup> Section 1012.335(1)-(2), F.S. For the purpose of awarding annual contracts, the term “instructional personnel” does not include substitute teachers. Section 1012.335(1)(b), F.S.

<sup>399</sup> Section 1012.335(2)(c), F.S.

<sup>400</sup> Chapter 2005-209, Laws of Florida

<sup>401</sup> Section 1013.738 (2), F.S.

<sup>402</sup> Chapter 2005-209, Laws of Florida



## Effect of Proposed Changes

The bill modifies the qualification requirements and funding methodology for the High Growth District Capital Outlay Assistance Grant Program. Under the bill, in order to qualify for the program, a school district must:

- levy the maximum nonvoted discretionary millage for the prior 5 years;
- receive revenue from a current voted school capital outlay sales surtax or a portion of the local government infrastructure surtax;
- have funds from the nonvoted discretionary capital outlay millage that, when divided by the district's capital outlay FTE students, are less than the statewide average maximum potential funds per capital outlay FTE student for the most recent fiscal year;
- have equaled or exceeded the greater of one percent average growth or twice the statewide average growth in capital outlay FTE students of the prior 5-year period; and
- have more than 24,000 total capital outlay FTE students.

The bill also modifies the program allocation methodology to require that, for each eligible district, the DOE:

- sum the revenue from the maximum potential nonvoted discretionary capital outlay millage and the revenue from the voted sales surtax and divide it by the capital outlay FTE students;
- determine the amount that must be added to the funds per capital outlay FTE to produce the statewide average value per capital outlay FTE for the identified revenues; and, if necessary,
- prorate district awards to the level of the appropriation.

## **Other Provisions**

The bill also:

- Revises the way funds are provided to school districts by:<sup>403</sup>
  - repealing section 1003.52(21), Florida Statutes, requiring the DOE to provide or contract for services to the Florida School for Boys in Okeechobee;
  - codifying the sparsity supplement calculation used to compute the sparsity supplement for eligible districts with a FTE student membership of between 20,000 and 24,000, by dividing the total number of full-time equivalent students in all programs by the number of permanent senior high school centers in the district, not in excess of four (rather than three as used for other districts);
  - repealing the requirement of submitting a digital classrooms plan and authorizes the use of these funds for items on the eligible services list authorized by the Universal Service Administration Company E-rate program,<sup>404</sup> computer and device hardware, associated operating system software, and professional development to enhance the use of technology for digital instructional strategies;
  - codifying the safe schools allocation funding formula and the use of the safe schools allocation; and
  - revising Standard Student Attire Incentive Program to allow plaids, stripes, or other multi-color options by removing the specific requirement of solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long-sleeved shirts with collars;
  - codifying the prohibition on a school district seeking a positive allocation adjustment to its FEFP funding in the current fiscal year because of an under allocation for a prior fiscal year caused by district error;
  - modifying the small, isolated high schools provision of the FEFP by expanding its application to elementary schools and establishing the criteria by which elementary schools may qualify;
  - authorizing the DOE to recalculate the ESE Guaranteed Allocation for each school district throughout the school year based on the student membership surveys to ensure school

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<sup>403</sup> See Staff of the Florida House of Representatives, *Legislative Bill Analyses for HB 5101 and HB 5103 (2017)* (analyzing identical and similar provisions under the bill); See also Staff of the Florida Senate, *Legislative Bill Analysis for SB 2516*.

<sup>404</sup> <http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx>

- districts receive their appropriate share of the ESE Guaranteed Allocation based on actual enrollment;
- aligning provisions in state law concerning calculating capital outlay membership with the actual capital outlay full-time equivalent membership calculation;
- revises the federally connected student supplement to allow for recalculation throughout the year based on actual student membership and the tax-exempt valuation from the most recent assessment roll;
- limits the time frame for VPK providers to amend prior fiscal year student enrollments no later than September 30 of the subsequent fiscal year;
- renames the ACT Aspire assessment to the preliminary ACT;
- revises the eligibility requirements for the Minority Teacher Education Scholar Program by removing a requirement that students enrolled in an approved teacher education program must be in their junior year to be eligible for the award, and requires that the student may not have earned more than 18 credit hours of upper-division education courses;<sup>405</sup>
- expressly requires that a school board member be permitted to visit a district school and a charter school governing board member be permitted to visit any charter school governed by the board at any time on any day, with or without an escort and without advance notice;
- establishes provisions to facilitate the shared use of public school facilities;<sup>406</sup>
- creates the Committee on Early Childhood Development to develop a proposals on certain early learning milestones;<sup>407</sup>
- establishes the 3-year Early Childhood Music Education Incentive Pilot Program in the Department of Education to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2;<sup>408</sup>
- removes the option for school districts receiving an exceptional student with a disability, who is placed in a residential facility, to decline to provide or contract for educational instruction;<sup>409</sup>
- removes the \$2,000 and \$3,000 yearly teacher bonus limits for the IB and AP assessments, the \$3,000 CAPE industry certification teacher bonus limit, the \$500 half-credit yearly AICE teacher bonus limit, and the \$2,000 yearly AICE teacher bonus limit;<sup>410</sup>
- requires K through 5 students at traditional public schools to be provided at least 100 minutes of supervised, safe, and unstructured free-play recess each week so that there are at least 20 consecutive minutes of free-play per day;
- deletes the requirement for middle grade students to complete a course in career and education planning (schools may still offer the course to middle grades students); and
- defines “secondary education” to mean grades 9 through 12.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

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<sup>405</sup> See Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 1139* (2017).

<sup>406</sup> See Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 1131* (2017).

<sup>407</sup> See Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 1229* (2017).

<sup>408</sup> See Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 1365* (2017); cf. Specific Appropriation 108, s. 2, SB 2500 (2017).

<sup>409</sup> See Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 655* (2017).

<sup>410</sup> See Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 827* (2017).

**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:**

The bill appropriates \$413,950,000 in recurring General Revenue Funds and \$5 million in non-recurring General Revenue Funds to implement the provisions of the bill as follows:

- \$233,950,000 in recurring funds to implement the Best and Brightest Teacher and Principal Scholarship Programs;
- \$30 million in recurring funds to implement the Gardiner Scholarship Program;
- \$10 million in recurring funds and \$5 million in nonrecurring funds to implement the bill's provisions relating to statewide student assessments; and
- The remainder of the funds, \$140 million, will be used to implement the remaining provisions of the bill, including the provisions relating to schools of hope. The funds may not be used for the Early Childhood Music Education Incentive Pilot Program or the Committee on Early Grade Success.

# **EXHIBIT 6**

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

THE SCHOOL BOARD OF ALACHUA COUNTY, )  
FLORIDA; THE SCHOOL BOARD OF BAY )  
COUNTY, FLORIDA; THE SCHOOL BOARD OF )  
BROWARD COUNTY, FLORIDA; THE SCHOOL )  
BOARD OF CLAY COUNTY, FLORIDA; )  
THE SCHOOL BOARD OF DUVAL COUNTY, )  
FLORIDA; THE SCHOOL BOARD OF )  
HAMILTON COUNTY, FLORIDA; )  
THE SCHOOL BOARD OF LEE COUNTY, )  
FLORIDA; THE SCHOOL BOARD OF ORANGE )  
COUNTY, FLORIDA; THE SCHOOL BOARD OF )  
PINELLAS COUNTY, FLORIDA; THE SCHOOL )  
BOARD OF POLK COUNTY, FLORIDA; )  
THE SCHOOL BOARD OF ST. LUCIE COUNTY, )  
FLORIDA; THE SCHOOL BOARD OF VOLUSIA )  
COUNTY, FLORIDA; and THE SCHOOL BOARD )  
OF WAKULLA COUNTY, FLORIDA. )

Plaintiffs, )

v. )

Case No. \_\_\_\_\_ )

FLORIDA DEPARTMENT OF EDUCATION; )  
STATE BOARD OF EDUCATION; )  
PAM STEWART, in her official capacity )  
as Florida Commissioner of Education; and )  
MARVA JOHNSON, in her official capacity )  
as Chair of the State Board of Education. )

Defendants. )

**COMPLAINT FOR**  
**DECLARATORY AND INJUNCTIVE RELIEF**

## INTRODUCTION

1. This is a lawsuit for declaratory and injunctive relief in which thirteen (13) locally elected district school boards from throughout the State raise a facial challenge to the constitutionality of portions of Chapter 2017-116, Laws of Florida, also known as House Bill 7069 (“HB 7069”) because those provisions undermine local control of public education. Under this far-reaching law, the State has encroached on the authority vested by the Florida Constitution in locally elected district school boards to operate, control, and supervise the local public schools located in their respective jurisdictions. The statute on its face violates this authority in several ways: HB 7069 unconstitutionally (i) mandates that local district school boards share a portion of their discretionary capital outlay millage revenues with charter schools; (ii) allows for the creation of charter schools called “Schools of Hope” that would be allowed to operate outside of any meaningful control or supervision by local school boards and create dual or even multiple systems of public education; (iii) allows “Schools of Hope” and authorized charter school systems to serve as local education agencies, creating multiple competing systems of public education; (iv) strips district school boards of their ability to supervise and control charter schools in their jurisdiction by requiring them to enter into a “standard charter contract” with charter school operators; (v) restricts the authority of district school boards to effectively use federal Title I funds to operate, supervise, and control the public schools in their district; and (vi) eliminates local district school boards’ authority to use school district resources to address the needs of students at certain schools with relatively low ratings on the State accountability system.

2. HB 7069 was effective as of July 1, 2017, is codified as Chapter 2017-116, Laws of Florida, and changed nearly 70 provisions in Florida’s Education Code.

3. Multiple provisions of HB 7069 on their face violate Article VII, § 1, 9; Article IX, §§ 1, and 4 of the Florida Constitution.

## **JURISDICTION AND VENUE**

4. This Court has jurisdiction over this lawsuit pursuant to Article V, § 20(c)(3), of the Florida Constitution, § 86.011, Fla. Stat. (2017), and § 26.012(2)(c), (3), Fla. Stat. (2017).

5. Venue lies in this Court because the Defendants maintain their principal places of business in Leon County, Florida.

## **PARTIES**

6. Plaintiff The School Board of Alachua County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Alachua County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 620 East University Avenue, Gainesville, Florida 32601.

7. Plaintiff The School Board of Bay County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Bay County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 1311 Balboa Avenue, Panama City, Florida 32401.

8. Plaintiff The School Board of Broward County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Broward County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

9. Plaintiff The School Board of Clay County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Clay County, Florida and with the home rule authority to exercise

any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 900 Walnut Street, Green Cove Springs, Florida 32043.

10. Plaintiff The School Board of Duval County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Duval County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 1701 Prudential Drive, Jacksonville, Florida 32207.

11. Plaintiff The School Board of Hamilton County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Hamilton County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 5683 SW U.S. Highway 41, Jasper, Florida 32052.

12. Plaintiff The School Board of Lee County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Lee County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 2855 Colonial Boulevard, Fort Myers, Florida 33966.

13. Plaintiff The School Board of Orange County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Orange County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 445 West Amelia Street, Orlando, Florida 32801.



14. Plaintiff The School Board of Pinellas County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Pinellas County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 301 4th Street SW, Largo, Florida 33770.

15. Plaintiff The School Board of Polk County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Polk County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 1915 South Floral Avenue, Bartow, Florida 33830.

16. Plaintiff The School Board of St. Lucie County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in St. Lucie County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 7000 NW Selvitz Road, Port St. Lucie, Florida 34983.

17. Plaintiff The School Board of Volusia County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Volusia County, Florida and with the home rule authority to exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 200 N. Clara Avenue, DeLand, Florida 32720.

18. Plaintiff The School Board of Wakulla County, Florida is the political subdivision possessing authority under Article IX, Section 4(b), Fla. Const., to operate, control, and supervise all free public schools located in Wakulla County, Florida and with the home rule authority to

exercise any power except as expressly prohibited by the State Constitution and general law. Its principal place of business is at 69 Arran Road, Crawfordville, Florida 32327.

19. Defendant Florida Department of Education (“Department”) is the administrative agency that is responsible for implementing Florida’s education policies and programs, including HB 7069.

20. Defendant State Board of Education (“Board”) is directed to adopt rules implementing HB 7069 and is responsible for overseeing the Department.

21. Defendant Pam Stewart is Florida Commissioner of Education and, pursuant to §§ 1001.10(1) and (6)(b), Fla. Stat. (2017), is the chief education officer of the State of Florida and is responsible for providing advice and counsel to the Board on all matters pertaining to education; to recommend to the Board actions and policies as, in the commissioner’s opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved. Stewart is sued in her official capacity.

22. Defendant Marva Johnson is the Chair of the State Board of Education, which is responsible under Article IX, Section 2, Fla. Const., for the supervision of Florida’s system of free public education. Johnson is being sued in her official capacity.

### **FACTS**

23. HB 7069 became law on July 1, 2017. HB 7069 is appended hereto as Attachment A, and incorporated herein by reference.

24. The Plaintiffs are thirteen (13) locally elected district school boards established by Art. IX, Sec. 4(a), Fla. Const., and are located throughout the State of Florida.

25. The populations of the counties served by Plaintiffs range from under 15,000 to over 1.8 million. According to the 2010 Census, Plaintiffs collectively represent almost 8 million Floridians.

26. The Plaintiffs' respective school districts serve student populations ranging from less than 2,000 to more than 272,000 students. Overall, they serve about 800,000 students, which is approximately 40% of the K-12 public education students in Florida.

27. The Plaintiffs' school districts operate anywhere from fewer than five (5) public schools to more than 200.

28. Plaintiffs employ within their school districts anywhere from a few hundred to tens of thousands of employees.

29. Plaintiffs employ within their school districts anywhere from approximately one-hundred to over fifteen-thousand teachers.

30. The State of Florida assigns public schools a letter grade of A-F as part of its accountability system. There are schools in some of the Plaintiffs' school districts that have three consecutive grades below a "C," according to the State's assessment. Such a school is deemed to be a "public school in need of intervention and support to improve school performance." § 1008.33(3)(b), Fla. Stat. (2017).

31. Plaintiffs collectively sponsor hundreds of charter schools.

32. Charter schools in Florida, including those located in Plaintiffs' respective school districts, are required by § 1002.33(12)(i), Fla. Stat. (2017), to organize as, or be operated by, nonprofit organizations. Many charter schools nominally organized as nonprofit organizations are operated by and under contracts with for-profit management companies or education service providers.

33. Thousands of students in the Plaintiffs' school districts attend charter schools that they sponsor.

34. The Plaintiffs each currently use somewhat distinct processes in evaluating charter school applications. These differences in local district school boards' evaluation processes reflect both the distinctions in the programs proposed by the various charter school applicants and special circumstances that may exist in the sponsoring school district. For example, some district school boards remain subject to federal desegregation orders with which charter schools in their jurisdiction must comply.

35. The Plaintiffs also each currently have different requirements for the charter schools located in their school districts, again to address the needs of their respective student populations.

36. Prior to the adoption of HB 7069, each school district was required to begin all charter negotiations using the Model Contract, pursuant to §1002.33(7), (21)(a), Fl. Stat. (2016) and Fla. Admin. Code r. 6A-6.0786(3), but each district entered into negotiations with its approved charter operators for the purpose of creating a charter school contract specific to the needs and requirements of that district and the charter school. As such, charter school contracts are currently different in each school district and also vary within a given school district from charter school to charter school. These differences in the charter school contracts negotiated by various district school boards reflect both the distinctions in the programs to be implemented by the various charter school operators and any special circumstances that may exist in the sponsoring district or a particular community that it serves.

37. Some of the Plaintiffs currently provide capital funding for charter schools. In some cases, the annual amount of this funding is over \$600,000.

38. While one Plaintiff school district does not currently sponsor charter schools, the charter schools in the other twelve (12) school districts currently receive State and local education funding ranging from \$6.9 million to more than \$105 million.

39. Plaintiffs' receive federal Title I funding in amounts ranging from under \$1 million to over \$55 million.

40. During the current school year, Plaintiffs' districts have allocated a significant portion of this Title I funding for district-wide programs.

41. In all of the Plaintiffs' school districts, school board members are elected by local voters.

42. These locally elected school board members constitute district school boards with memberships ranging from five (5) to nine (9) members.

43. The school district superintendents who administer the Plaintiffs' districts are chosen in different ways. In some school districts, the superintendent is elected. In most of the Plaintiffs' school districts, the superintendent is appointed by the locally elected district school board.

44. There is a bona fide dispute between the parties and need for a declaration as to the constitutionality of portions of HB 7069, as to which the parties have actual, present, adverse, and antagonistic interests. The facts relevant to this dispute are well-known and readily ascertainable. Plaintiffs are not merely seeking legal advice from the court. Plaintiffs present actual disputes and have ascertainable powers, rights, and authority under the Florida Constitution.

**FIRST CAUSE OF ACTION: CAPITAL MILLAGE  
(Violations of Article VII, §§ 1, 9 and Article IX, § 4 of the Florida Constitution)**

45. The allegations in Paragraphs 1-44 are incorporated herein by reference.

46. HB 7069 amends §§ 1011.71(2) and 1013.62, Fla. Stat. (2016) to mandate that a school district share a portion of its discretionary capital outlay millage revenues with individual charter schools located within its jurisdiction, regardless of whether the receiving charter schools need any capital improvements.

47. Pursuant to § 1013.35, Fla. Stat. (2017), local district school boards have long been required to “prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods.” These facilities plans describe how capital funds, including capital millage outlay revenues, would be used. In such plans, school districts are required to allocate funds according to the greatest need in the district.

48. Article IX, § 4(b) of the Florida Constitution provides in pertinent part as follows: “The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein.”

49. Article VII, § 9 of the Florida Constitution authorizes elected district school boards “to levy ad valorem taxes” to be used “for all school purposes.” Pursuant to this authority, the Florida Statutes authorize district school boards to levy an ad valorem tax of no more than 1.5 mills for capital expenses (*e.g.*, new construction, remodeling, renovation, purchase of school buses). § 1011.71(2)(a)-(k), Fla. Stat. (2017). This is known as the “capital outlay millage.”

50. Each year, elected district school boards must decide whether and at what level to levy a capital outlay millage within their respective school districts. Before the Florida Legislature adopted HB 7069, district school boards also had full discretion as to whether to use any portion of their capital outlay millage for charter schools within their jurisdictions. HB 7069 now mandates that the capital outlay millage be used “for school purposes for charter schools,” in addition to being used for district public schools and regardless of whether the charter schools need such funds.

51. HB 7069 goes even further in mandating that funds from the capital outlay millage be directed to charter schools; it prescribes a specific formula for the Florida Department of Education to use and directs that each district distribute funds to charter schools according to that formula and without regard to the capital needs of the receiving charter schools or the needs of the schools operated by the school district. § 1013.62(3), Fla. Stat. (2017).

52. Locally elected district school boards, including Plaintiffs, thus are stripped of all authority, judgment, and discretion about the best use of these funds, which they are constitutionally authorized to levy.

53. Worse yet, district school boards are bound by the Department's determination, and the statute provides no means or procedure for district school boards to challenge the Department's application of the formula in any given instance.

54. Beginning on February 1, 2018 (for the 2017-2018 fiscal year), district school boards are required to begin distributing these locally levied ad valorem taxes to eligible charter schools within their respective jurisdictions, irrespective of either those charter schools' actual need for funds or the school districts' actual needs for which the revenues were levied and without regard to whether some of those funds have already been committed to other projects.

55. The charter schools' eligibility requirements for distribution of these levied ad valorem taxes are detailed in § 1013.62(1)(a), Fla. Stat. (2017). Since some of the requirements are tied to the charter schools' duration of operations, the number of charter schools eligible for distribution of these school district ad valorem taxes will likely grow over time.

56. Even at present, this mandatory, unplanned diversion of local school district ad valorem tax revenues presents an immediate crisis for the Plaintiff school districts.

57. For example, in Broward County alone, there are eighty-four (84) charter schools that will be “eligible” to receive capital outlay millage funds. The School Board of Broward County, Florida projects that, under the statutory formula, it will be required to divert between \$17 million and \$25 million to charter schools *in the first year alone* and up to \$123 million to eligible charter schools during the next five years.

58. The School Board of Clay County, Florida, by contrast, has only three charter schools. Nevertheless, it projects that it will be required to divert approximately \$300,000 to eligible charter schools *in the first year alone* and approximately \$3.9 million to eligible charter schools during the next five years.

59. This distribution of funds thus will severely impact the Plaintiffs’ ability to build new and necessary schools and to adequately maintain the facilities they currently operate. This will cause the Plaintiffs to lack sufficient capital outlay funds to address student enrollment growth in their schools and their districts while still complying with mandated class-size limitations contained in Art. IX, §1 of the Florida Constitution.

60. Contrary to the Plaintiffs’ use of capital outlay millage funds—which is governed by extensive public accountability measures, including a public budget process, a required plant survey, and mandated public hearings—the unelected governing boards of charter schools are given nearly unfettered discretion over the use of any capital outlay funds they are slated to receive pursuant to HB 7069.

61. District school boards, including the Plaintiffs, are stripped of their authority to ensure that such capital outlay funds are spent wisely or on necessary projects within their jurisdiction. The district school boards can only require that funds be used by charter schools for



one of the general purposes identified in § 1013.62(4), Fla. Stat. (2017) (which includes incredibly broad categories, such as “[p]urchase of real property” and “[c]onstruction of school facilities”).

62. District school boards, such as Plaintiffs, are required to build all educational and ancillary facilities in compliance with the State Requirements for Educational Facilities 2014 (“SREF”). Fla. Admin. Code Ann. r. 6A-2.0010.

63. Charter schools, with the exception of conversion charter schools located on campuses built and maintained by district school boards, are exempt from SREF and cannot be held to the more stringent standards required of district school boards. § 1002.33(18)(a), Fla. Stat. (2017).

64. Pursuant to the Florida Building Code, educational use and occupancy of facilities owned by district school boards is limited to facilities built to noncombustible Type I, II, or IV construction standards or better. Fla. Bldg. Code §§ 305.1, 453.8.3, 602.2, 602.4 (Bldg. 2014). Charter schools, even though built with capital outlay dollars, are not required to be built to these standards. §§1002.33(18)(a), 1002.33(19), 1011.71(2), 1013.62, Fla. Stat. (2017).

65. Accordingly, when a charter school closes, even though a charter school's property and improvements purchased with public funds revert to ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances, § 1002.33(8)(e), Fla. Stat. (2017), the district school board that would obtain ownership of the property would not be able to continue to operate a school in any facility built by a charter that was not built to the higher SREF and Florida Building Code standards required of district school boards.

66. HB 7069 on its face violates Article IX, § 4(b) of the Florida Constitution by requiring district school boards to pay a portion of their locally levied capital outlay millage directly to charter schools (and mandating the formula for calculating that payment), thereby stripping the

district school boards of their authority to control and supervise the use of funds within their jurisdictions and redirecting that authority to the unelected governing boards of charter schools.

67. Article VII, § 1(a) of the Florida Constitution provides as follows: “No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.”

68. HB 7069 by its terms violates Article VII, § 1(a) of the Florida Constitution, because the provisions amending district school boards’ capital outlay millage procedures constitute a State mandate, and are in effect an ad valorem tax levied by the State of Florida for the benefit of charter schools and their unelected operators, regardless of the choices made by local voters in each county or the judgment of those voters’ elected district school board members.

69. Article VII, § 9(a) of the Florida Constitution provides as follows: “Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.” Because charter schools are not authorized under the Florida Constitution to act as taxing authorities, HB 7069 unconstitutionally directs that funds legally levied and collected by school boards be reallocated to charter schools without any control by, or even input from, the locally elected school boards.

70. HB 7069 on its face violates Article VII, § 9(a) of the Florida Constitution by requiring district school boards to divert a portion of their locally levied and raised ad valorem tax revenues to a state purpose mandated by the Legislature, thereby violating each locally elected

district school board’s right to levy ad valorem taxes to address the needs the district school board has identified in its jurisdiction.

**SECOND CAUSE OF ACTION: SCHOOLS OF HOPE**  
**(Violation of Article IX, § 1 and § 4 of the Florida Constitution)**

71. The allegations in Paragraphs 1-44 are incorporated herein by reference.

72. HB 7069 creates § 1002.333, Fla. Stat. (2017) to authorize the establishment of “Schools of Hope” to be operated by a “hope operator.”

73. A “School of Hope” is defined in § 1002.333(1)(c), Fla. Stat. (2017) as follows:

(1) A charter school operated by a hope operator which serves students from one or more persistently low-performing schools; is located in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater; and is a Title I eligible school; or (2) A school operated by a hope operator pursuant to [§] 1008.33(4)(b)3[, Fla. Stat. (2017)].

74. Article IX, § 1 (a), of the Florida Constitution states, in part, as follows:

It is . . . a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education[.]

75. Article IX, § 4 (b) of the Florida Constitution further specifies in pertinent part that:

“The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein.”

76. A “School of Hope” only has to submit a “notice of intent” demonstrating the intent to open a “School of Hope” in proximity to a persistently low-performing school. § 1002.333(4)(a), Fla. Stat. (2017).

77. A “School of Hope,” unlike other charter schools in Florida, is not required to have its charter school application approved by a local district school board, nor is it required to enter into a charter school contract through which it is sponsored by the locally elected district school board. Indeed, local district school boards are required to enter into a “performance based agreement” with such charter schools within 60 days or be penalized by a limitation on the administrative fees that they receive for sponsoring charter schools. The “performance-based agreement” will not be negotiated by the district school board, but instead drafted by the Florida Department of Education. § 1002.333, Fla. Stat. (2017).

78. If a local district school board does not enter into a “performance based agreement” with a “School of Hope” within the specified timeframe, the State may enter into a charter-school contract in the school board’s place. § 1002.333(11)(d), Fla. Stat. (2017).

79. HB 7069 on its face thus divests each district school board of its authority under Article IX, § 4(b) of the Florida Constitution to operate, control and supervise a “School of Hope.” The locally elected district school board cannot prevent a “School of Hope” from opening in its school district. Nor can a district school board ensure that a “School of Hope” is part of a uniform, efficient, safe, secure, and high quality system of free public schools. For example, teachers and principals at charter “Schools of Hope” do not need to hold educational certifications. § 1002.333(6)(d), Fla. Stat. (2017). HB 7069 by its terms also divests each district school board of its Constitutional responsibility to ensure that a “School of Hope” operates in accordance with the locally elected district school board’s standards for public education within its jurisdiction.

80. HB 7069 also allows charter schools established as “Schools of Hope” to be designated as a local education agency (“LEA”), “if requested.” § 1002.333(6)(a), Fla. Stat. (2017).

81. Once designated as an LEA, the unelected governing board of a “charter school system” would be able to apply for and receive State and federal funds independently and in direct competition with school districts operated by locally elected district school boards, including Plaintiffs.

82. By creating independent charter “Schools of Hope” in HB 7069, the State is fostering plural, non-uniform systems of education in direct violation of the mandate for a uniform system of free public schools in violation of Article IX, § 1 (a), of the Florida Constitution.

**THIRD CAUSE OF ACTION: LOCAL EDUCATION AGENCY  
(Violation of Article IX, § 1 and § 4 of the Florida Constitution)**

83. The allegations in Paragraphs 1-44 are incorporated herein by reference.

84. HB 7069 amends § 1002.33(25), Fla. Stat. (2016) to allow a “charter school system” to become a local education agency (“LEA”).

85. Section 1002.33(25)(a), Fla. Stat. (2017) provides that the system must “adopt[] and file[] a resolution with its sponsoring district school board and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements[.]”

86. Section 1002.33(25)(a), Fla. Stat. (2017) also provides that in order to qualify as an LEA, the “system” must have all of its schools in the same county, enrollment greater than that of at least one school district in the State, and the same governing board.

87. Once designated as an LEA, the unelected governing board of a “charter school system” would be able to apply for and receive State and federal funds independently and in direct competition with school districts operated by locally elected district school boards, including Plaintiffs.

88. Article IX, § 1 (a), of the Florida Constitution states, in part, as follows:

It is . . . a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education[.]

89. Article IX, § 4 (b) of the Florida Constitution further specifies in pertinent part that: “The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein.”

90. By expressly permitting “charter school systems” to become LEAs, HB 7069 is fostering plural, nonuniform systems of education in direct violation of the constitutional mandate for a uniform system of free public schools. The Florida Constitution establishes one school district per county to be governed by the locally elected school board and this provision allowing charter schools to become an LEA is in direct violation of Article IX, § 1(a) and § 4(b) of the Florida Constitution.

91. Under the Florida Constitution, democratically elected local district school boards are accountable for public education and responsible for the allocation of State, local and federal revenues for education. By allowing charter schools to be LEAs, HB 7069 removes this constitutional mandate of democratic accountability. It allows charters to operate as public schools over which the local electorate that is funding them has no authority to change leadership or influence policy in violation of Article IX, § 4(b) of the Florida Constitution.

92. HB 7069 also specifically removes charter schools from the constitutionally mandated system of public schools operated by locally elected district school boards by amending § 1011.71(2), Fla. Stat. (2016) as follows:

In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for ~~district schools, including~~

charter schools pursuant to s. 1013.62(3) and for  
district schools at the discretion of the school board  
[ . . . ]

93. As the amendment above indicates, the State no longer considers charter schools to be “district schools,” but rather their own separate class of schools, again elevating charter schools to be a parallel, competing system in violation of Article IX, § 1(a) of the Florida Constitution.

94. Allowing a charter school system to operate independently from the locally elected district school board violates Article IX, § 1 (a) of the Florida Constitution because the creation of dual public school systems would no longer constitute a uniform system of free public schools.

**FOURTH CAUSE OF ACTION: STANDARD CONTRACT**  
**(Violation Article IX, § 4 of the Florida Constitution)**

95. The allegations in Paragraphs 1-44 are incorporated herein by reference.

96. Before the adoption of HB 7069, proposed charter schools submitted an application to the district school board, and if the district school board approved an application, the applicants would form a nonprofit organization in accordance with § 1002.33(12)(i), Fla. Stat. (2017). The unelected governing board of the charter applicant would then negotiate terms, conditions, and expectations with the district school board. The applicants and the district school board would then negotiate and agree upon a written contractual agreement or charter school contract.

97. HB 7069 amends § 1002.33(7), Fla. Stat. (2016) to require that district school boards enter into a “standard charter contract” with charter school operators without regard to any special circumstances that may exist within the school district or with regard to the educational program to be operated by the charter school.

98. As a result of HB 7069, § 1002.33(7), Fla. Stat. (2017) now provides that “[a]ny term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility.”

This new language is coupled with the provision that district school boards “may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals.” § 1002.33(7), Fla. Stat. (2017) Therefore, any attempt by a district school board to modify the “standard charter contract” is presumed to violate the statutory provision thereby effectively eliminating the district school board’s ability to supervise and control charter schools.

99. Article IX, § 4(b) of the Florida Constitution provides in pertinent part that “[t]he school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein.”

100. Locally elected district school boards cannot be legislatively divested of their authority under Article IX, § 4(b) of the Florida Constitution, to “operate, control and supervise all free public schools within the school district.”

101. Locally elected district school boards must be afforded substantial input, discretion, and authority to control and supervise any charter schools permitted to operate within their school districts.

102. By mandating the use of standard “one size fits all” contracts, the terms of which are forced upon a local district school board by the State and by unelected charter school operators, HB 7069 on its face precludes a development of a charter school contract that is a meeting of the minds between the sponsoring district school board and the charter school operator, and instead divests locally elected district school boards of the authority conferred upon them in violation of Article IX, § 4(b) of the Florida Constitution.

**FIFTH CAUSE OF ACTION: TITLE I**  
**(Violation of Article IX, § 4 of the Florida Constitution)**

103. The allegations in Paragraphs 1-44 are incorporated herein by reference.



104. HB 7069 amends § 1011.69(5), Fla. Stat. (2016) to mandate that the school boards “shall provide” Title I funding to “all eligible schools . . . , including a charter school.”

105. HB 7069 provides that “eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.” § 1011.69(5), Fla. Stat. (2017).

106. According to the Department, the current statewide percentage of economically disadvantaged students is 63 percent.

107. HB 7069 only allows district school boards to withhold Title I funds from “eligible schools” for a narrow list of specified purposes.

108. As a result, HB 7069 restricts locally elected district school boards’ authority to use federal Title I funds for purposes they deem to be the most educationally beneficial and most likely to effectively address the educational needs of low-income students within their respective jurisdictions. These measures include school-district-wide programs that allow cost effective measures to be put in place more efficiently in school districts with high concentrations of low-income students and providing additional support to public schools with the very highest percentages of low-income students.

109. Article IX, § 4(b) of the Florida Constitution provides in pertinent part as follows: “The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein.”

110. HB 7069 on its face violates Article IX, § 4(b) of the Florida Constitution because it unduly restricts the authority of locally elected district school boards to determine the most efficient and effective use of Title I funds in their jurisdictions.

**SIXTH CAUSE OF ACTION: TURNAROUND PROVISIONS**  
**(Violation of Article I § 10 and Article IX § 4 of the Florida Constitution)**

111. The allegations in Paragraphs 1-44 are incorporated herein by reference.

112. HB 7069 amends § 1008.33, Fla. Stat. (2016) adding additional provisions to the State's requirements that district school boards take actions to help low performing schools.

113. The Florida Department of Education has already indicated that this provision applies to public schools operated by some of the Plaintiffs and will apply to others in the near future.

114. Under § 1008.33, Fla. Stat. (2017), the State Board of Education is responsible for a state system of school improvement and education accountability that assesses student performance by school, identifies schools that are not meeting accountability standards, and institutes appropriate measures for enforcing improvement. § 1008.33(2)(a), Fla. Stat. (2017).

115. Under the new system, a school that receives a "D" or "F" grade on an annual report issued by the Department is deemed to be a "public school in need of intervention and support to improve school performance." § 1008.33(3)(b), Fla. Stat. (2017).

116. HB 7069 instructs the State Board to provide "intensive intervention and support strategies" to public schools earning two consecutive "D" grades or an "F" grade. § 1008.33(4)(a), Fla. Stat. (2017).

117. HB 7069 requires district school boards to implement at any district public school with three consecutive grades below a "C" one of the State-mandated turnaround provisions:

- 1) Reassign students to another school and monitor the progress of each reassigned student;
- 2) Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or
- 3) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an

independent governing board composed of members who did not participate in the review or approval of the charter.

§ 1008.33(4)(b), Fla. Stat. (2017).

118. Article IX §4(b) of the Florida Constitution states, “the school board shall operate, control and supervise all free public schools within the school district.”

119. Article IX of the Florida Constitution vests the state board with the power to supervise Florida’s public school system.

120. Prior to the implementation of HB 7069, Florida law permitted school districts to have the option to turnaround such schools themselves. Some district school boards, like Plaintiff The School Board of Hamilton County, Florida, were in the process of doing that based on past performance of the schools, and now HB 7069 completely removes that option retroactively.

121. Indeed, since the Hamilton County schools in question include the only middle and high schools in the district, the effect of the new turnaround provision could be that the role of the locally elected district school board with respect to secondary education is eliminated entirely.

122. HB 7069’s turnaround provisions on their face divest locally elected district school boards, including Plaintiffs, of their authority and responsibility to decide how best to improve a district public school that the State has identified as low performing. This authority and responsibility is reserved to the district school boards within their Constitutional power to “operate, control and supervise all free public schools within their school districts.” Art. IX, § 4(b), Fla. Const.

123. HB 7069’s turnaround provisions are in direct conflict with the powers vested in locally elected school boards by Article IX § 4(b) of the Florida Constitution.

**REQUEST FOR EXPEDITED CONSIDERATION**

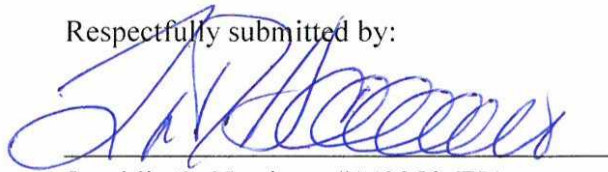
124. Plaintiffs respectfully request that the court expedite consideration of this action pursuant to § 86.111, Fla. Stat. (2017), which authorizes the Court to “order a speedy hearing of an action for a declaratory judgment” and “advance it on the calendar.”

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs respectfully request that this Court:

- (1) Declare the six provisions of HB 7069 identified above to be unconstitutional under (a) Article VII, § 1, of the Florida Constitution; (b) Article VII, § 9, of the Florida Constitution; (c) Article IX, § 1, of the Florida Constitution; and (d) Article IX, § 4, of the Florida Constitution;
- (2) Enjoin Defendants, and all persons and entities acting under their direction or in concert with them, from taking any measures to implement these aspects of HB 7069 or portions of Chapter 2017-116, Laws of Florida;
- (3) Enter an order placing this matter on an accelerated calendar and scheduling a case management and scheduling hearing forthwith to accomplish accelerated processing of this action; and
- (4) Order such other and further relief as this Court may deem appropriate.

Respectfully submitted by:



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ENROLLED

CS/HB 7069, Engrossed 1

2017 Legislature

1  
 2 An act relating to education; amending s. 11.45, F.S.;  
 3 requiring the Auditor General to conduct annual audits  
 4 of the Florida School for the Deaf and the Blind;  
 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 recalculation of  
 11 specified funds; requiring that the lowest-performing  
 12 elementary schools be determined by specified  
 13 assessment results; deleting provisions relating to  
 14 caps imposed on the amounts of bonuses awarded to  
 15 teachers based on student performance on certain  
 16 course examinations and certifications; requiring a  
 17 specified amount of funds generated by a certain bonus  
 18 be allocated to the school program that generated the  
 19 funds; providing for the allocation of supplemental  
 20 academic instruction funds; revising the requirements  
 21 to be considered a small, isolated school; revising  
 22 the requirements for an independent college or  
 23 university to participate in specified programs;  
 24 providing an alternate district sparsity index  
 25 calculation for certain school districts; revising

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2017 Legislature

26 provisions relating to the research-based reading  
 27 instruction allocation and the use of such funds;  
 28 revising provisions relating to the Florida digital  
 29 classrooms allocation and the use of such funds;  
 30 deleting provisions relating to a required district  
 31 digital classrooms plan; revising the federally  
 32 connected student supplement; revising the calculation  
 33 of the exempt property allocation; providing for the  
 34 recalculation of the supplement; creating the safe  
 35 schools allocation and providing the purpose of the  
 36 allocation; providing that under allocations of state  
 37 funds may not be the basis for a positive allocation  
 38 adjustment in the current year; conforming provisions  
 39 to changes by the act; amending s. 1013.738, F.S.;;  
 40 revising the purposes for which the High Growth  
 41 District Capital Outlay Assistance Grant Program funds  
 42 may be used; revising the school district  
 43 qualification criteria for the grant; revising the  
 44 funding methodology; amending s. 1011.78, F.S.;;  
 45 revising school district and charter school  
 46 requirements to qualify for a standard student attire  
 47 incentive payment; creating s. 1003.631, F.S.;;  
 48 creating the Schools of Excellence Program; providing  
 49 for designation as a School of Excellence; providing  
 50 requirements for a School of Excellence; providing for

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2017 Legislature

51 redesignation; authorizing Schools of Excellence to  
52 have specified administrative flexibilities; amending  
53 s. 1012.56, F.S.; requiring the Department of  
54 Education to issue a temporary educator certificate  
55 within a specified period; requiring the department to  
56 provide electronic notice of the issuance of a  
57 temporary certificate to specified entities; requiring  
58 the department to provide the applicant an official  
59 statement of status of eligibility upon issuance of a  
60 temporary certificate; providing content requirements  
61 for the statement of status of eligibility; revising  
62 the criteria instructional personnel must meet to be  
63 issued a professional certificate; requiring the  
64 department to provide electronic notification of the  
65 expiration of a temporary educator certificate;  
66 requiring the State Board of Education to adopt rules  
67 providing for the extension of a temporary educator  
68 certificate for a specified period under certain  
69 circumstances; providing that an applicant for  
70 professional certification is not required to take or  
71 pass a specified examination under certain  
72 circumstances; authorizing charter schools and charter  
73 management organizations to develop a professional  
74 development certification and education competency  
75 program; revising program requirements; requiring the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7069-03-er

Exhibit "A"



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2017 Legislature

76 department to adopt standards for the approval of such  
 77 programs by a specified date; providing requirements  
 78 for such standards; requiring each school district and  
 79 charter school to submit its program for approval by a  
 80 specified date; providing that certification  
 81 requirements may not be met in a program that is not  
 82 approved by the department after a specified date;  
 83 amending s. 1004.04, F.S.; revising core curricula  
 84 requirements for certain teacher preparation programs  
 85 to include certain reading instruction and  
 86 interventions; amending s. 1004.85, F.S.; requiring  
 87 certain educator preparation institutes to provide  
 88 evidence of specified reading instruction as a  
 89 condition of program approval and continued approval;  
 90 amending s. 1012.585, F.S.; revising requirements for  
 91 renewal of professional teaching certificates;  
 92 amending s. 1012.586, F.S.; authorizing the department  
 93 to recommend consolidation of endorsement areas and  
 94 requirements for endorsements for teacher  
 95 certificates; requiring the department to review and  
 96 make recommendations regarding certain subject  
 97 coverage or endorsement requirements; providing  
 98 construction; amending s. 1012.98, F.S.; revising the  
 99 activities designed to implement the school community  
 100 professional development act to include specified

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CS/HB 7069, Engrossed 1

2017 Legislature

101 training relating to a professional development  
 102 certification and education competency program;  
 103 revising requirements for school district professional  
 104 development systems; requiring the department to  
 105 disseminate professional development programs that  
 106 meet specified criteria; creating s. 683.1455, F.S.;  
 107 designating the month of September annually as  
 108 "American Founders' Month"; authorizing the Governor  
 109 to annually issue a proclamation containing specified  
 110 information; amending s. 1000.03, F.S.; revising the  
 111 priorities of Florida's K-20 education system to  
 112 include civic literacy; amending s. 1001.215, F.S.;  
 113 revising the duties of the Just Read, Florida! Office;  
 114 amending s. 1003.44, F.S.; encouraging public schools  
 115 to coordinate certain instruction with American  
 116 Founders' Month; amending s. 1007.25, F.S.; requiring  
 117 postsecondary students to demonstrate competency in  
 118 civic literacy and providing requirements therefor;  
 119 providing for the appointment of a faculty committee;  
 120 requiring the committee to develop or revise certain  
 121 courses and establish specified course competencies;  
 122 amending ss. 943.22 and 1001.64, F.S.; conforming  
 123 cross-references; amending s. 1002.33, F.S.;  
 124 conforming provisions to changes by the act; revising  
 125 the charter school application process; revising the

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CS/HB 7069, Engrossed 1

2017 Legislature

126 | appeals process for a denied charter school  
 127 | application; requiring the use of the standard charter  
 128 | contract by specified entities; revising eligibility  
 129 | requirements for charter school students enrolled in  
 130 | blended learning courses; revising the criteria for  
 131 | certain charter schools that must follow corrective  
 132 | actions; authorizing a charter school to be exempt  
 133 | from provisions relating to controlled open enrollment  
 134 | under certain circumstances; clarifying provisions  
 135 | relating to charter schools and tort liability;  
 136 | revising the purpose of charter school cooperatives;  
 137 | authorizing the use of unrestricted assets for  
 138 | specified charter schools; requiring such funds to be  
 139 | used in accordance with specified provisions;  
 140 | prohibiting the adoption or imposition of specified  
 141 | requirements by specified entities for charter  
 142 | schools; revising the public information disclosures  
 143 | of charter schools; authorizing certain entities to  
 144 | share facilities with charter schools without  
 145 | additional approval; providing charter schools are  
 146 | eligible for capital outlay funds pursuant to  
 147 | specified provisions; revising the administrative fees  
 148 | that a district may withhold from charter schools;  
 149 | requiring charter schools to complete and submit an  
 150 | annual survey; deleting a requirement that the

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2017 Legislature

151 Department of Education compare certain data; revising  
 152 eligibility criteria for designated local educational  
 153 agency status; authorizing the governing board of a  
 154 charter school system to be designated a local  
 155 educational agency for certain schools; revising State  
 156 Board of Education duties; amending 1002.3305, F.S.;  
 157 revising the definition for the term "eligible  
 158 student" for purposes of the College-preparatory  
 159 Boarding Academy Pilot Program; amending s. 1002.331,  
 160 F.S.; conforming provisions to changes made by the  
 161 act; authorizing a high-performing charter school to  
 162 establish more than one charter school in any year  
 163 under certain circumstances; amending s. 1002.332,  
 164 F.S.; authorizing a high-performing charter school  
 165 system to replicate its schools in any school district  
 166 and providing application requirements therefor;  
 167 providing that certain procedures apply in specified  
 168 circumstances; conforming cross-references; amending  
 169 s. 1003.498, F.S.; revising eligibility requirements  
 170 for students enrolled in blended learning courses;  
 171 conforming provisions to changes made by the act;  
 172 amending s. 1007.35, F.S.; revising the name of an ACT  
 173 assessment for specified purposes; amending s.  
 174 1008.34, F.S.; revising the student performance data  
 175 to be included in school grades; amending s. 1008.341,

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176 F.S.; including concordant scores in the calculation  
 177 of an alternative school's school improvement rating;  
 178 amending s. 1011.71, F.S.; providing that charter  
 179 schools are eligible for school districts  
 180 discretionary millage for specified purposes; revising  
 181 the approved uses of the discretionary millage;  
 182 authorizing the acquisition of enterprise resource  
 183 software through specified means; amending s. 1013.54,  
 184 F.S.; conforming a cross-reference; amending s.  
 185 1013.62, F.S.; providing that charter school capital  
 186 outlay funds shall consist of specified funds;  
 187 revising charter school eligibility criteria for  
 188 capital outlay funds; revising the calculation  
 189 methodology for state funds appropriated for charter  
 190 school capital outlay; providing the calculation  
 191 methodology for the distribution of specified revenue  
 192 to eligible charter schools; revising the authorized  
 193 uses of charter school capital outlay funds; amending  
 194 s. 1013.64, F.S.; revising the calculation of capital  
 195 outlay membership for allocations to school districts  
 196 from the Public Education Capital Outlay and Debt  
 197 Service Trust Fund; authorizing a district school  
 198 board to use funds from any source for the new  
 199 construction of educational plant space under certain  
 200 circumstances; amending s. 1003.4282, F.S.; deleting a

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201 provision requiring certain students to take the  
202 Algebra II end-of-course assessment; revising the  
203 options that a district school board or charter school  
204 governing board may offer for a student to satisfy  
205 certain online course requirements; removing a  
206 requirement that a student participating in  
207 interscholastic sports pass a competency test on  
208 personal fitness to satisfy the physical education  
209 credit requirement for high school graduation;  
210 amending s. 1003.4285, F.S.; deleting a provision  
211 requiring students to pass the Algebra II end-of-  
212 course assessment in order to earn a Scholar  
213 designation; amending s. 1008.22, F.S.; deleting a  
214 provision requiring the Algebra II end-of-course  
215 assessment to be administered; revising requirements  
216 relating to the administration and format of  
217 assessments; providing requirements for administration  
218 of the statewide, standardized English Language Arts  
219 and mathematics assessments in specified grades;  
220 revising provisions relating to reporting requirements  
221 for school district-required local assessments;  
222 providing reporting requirements for certain student  
223 assessment results; requiring the Department of  
224 Education to publish certain assessments on its  
225 website; providing requirements for such publication;

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226 requiring the department to provide materials  
 227 regarding assessment information on its website;  
 228 conforming cross-references; defining the term  
 229 "secondary education"; amending s. 1012.34, F.S.;  
 230 revising personnel evaluation procedures and criteria;  
 231 requiring independent analysis of student learning  
 232 growth data; authorizing, rather than requiring, a  
 233 school district to use certain formulas developed by  
 234 the commissioner; requiring the Commissioner of  
 235 Education to contract for an independent study to  
 236 determine whether specified college entrance  
 237 examinations may be administered in lieu of certain  
 238 state-required assessments; requiring the commissioner  
 239 to submit a report on the results of such study to the  
 240 Governor, Legislature, and State Board of Education by  
 241 a specified date; amending s. 1001.42, F.S.; revising  
 242 provisions relating to school improvements plans;  
 243 requiring only specified schools to submit a school  
 244 improvement plan; deleting a requirement that certain  
 245 information be included in the improvement plans of  
 246 certain schools; revising the grade levels required to  
 247 implement an early warning system; revising the  
 248 required content of an early warning system; requiring  
 249 a specified team to monitor specified data;  
 250 authorizing a psychologist to be a member of the team;

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251 |       revising what constitutes an educational emergency and  
 252 |       establishing duties of district school boards relating  
 253 |       to such emergency; prohibiting a district school board  
 254 |       from awarding specified contracts based on certain  
 255 |       contingency or conditions; providing applicability;  
 256 |       providing a directive to the Division of Law Revision  
 257 |       and Information; creating s. 1001.4205, F.S.;;  
 258 |       authorizing an individual district school board member  
 259 |       to visit any district school in his or her school  
 260 |       district; authorizing an individual charter school  
 261 |       governing board member to visit any charter school  
 262 |       governed by the charter school's governing board;  
 263 |       providing requirements and restrictions; amending s.  
 264 |       1008.33, F.S.; providing requirements the intervention  
 265 |       and support strategies must meet; providing for  
 266 |       tailored intervention and support services for  
 267 |       specified schools; revising the required timeline for  
 268 |       the implementation of a district-managed turnaround  
 269 |       plan; providing turnaround options available to school  
 270 |       districts meeting specified criteria; amending s.  
 271 |       1008.345, F.S.; revising reporting requirements of the  
 272 |       Commissioner of Education relating to the state system  
 273 |       of school improvement and education accountability;  
 274 |       revising the criteria a school must meet to have a  
 275 |       community assessment team; revising the duties of a



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276 community assessment team; creating s. 1002.333, F.S.,  
277 relating to persistently low-performing schools;  
278 providing definitions; providing eligibility criteria  
279 for hope operators; providing for the designation and  
280 redesignation of a hope operator; authorizing hope  
281 operators to establish schools of hope in specified  
282 areas; providing the process for the establishment of  
283 a school of hope; providing the requirements for a  
284 performance-based agreement; authorizing a school of  
285 hope to be designated as a local education agency;  
286 providing that a sponsor is not liable for specified  
287 damages; providing that a school of hope may be a  
288 private or public employer; authorizing a school of  
289 hope to participate in the Florida Retirement System;  
290 authorizing a hope operator to employ certain staff;  
291 providing specific statutory exemptions for schools of  
292 hope; requiring a school of hope to report its  
293 students for specified purposes; requiring a school  
294 district to include specified students in the  
295 district's report of student enrollment; requiring  
296 certain schools to comply with specified reporting  
297 guidelines; requiring a school of hope to provide the  
298 school district with a financial statement summary  
299 sheet that meets certain requirements; providing  
300 requirements for facilities used by schools of hope;

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301 requiring districts to annually provide a list of  
 302 specified property to the department; requiring  
 303 certain school districts that do not enter into  
 304 specified agreements within a certain timeframe to  
 305 reduce specified fees; providing for attorney fees  
 306 under certain circumstances; providing that schools of  
 307 hope shall be funded through the Florida Education  
 308 Finance Program; creating the Schools of Hope Program;  
 309 providing that schools of hope are eligible for funds  
 310 through the program; providing guidelines for the use  
 311 of such funds; providing that certain traditional  
 312 public schools are eligible for such funds; providing  
 313 duties of the State Board of Education; providing a  
 314 mechanism to address school district noncompliance;  
 315 providing authority and obligations of the State Board  
 316 of Education; providing a mechanism for the resolution  
 317 of disputes; providing for rulemaking; creating s.  
 318 1001.291, F.S.; establishing the Schools of Hope  
 319 Revolving Loan Program; providing criteria for  
 320 administration of the program; amending s. 1011.69,  
 321 F.S.; requiring school districts to provide specified  
 322 funds directly to schools eligible to receive such  
 323 funds; providing a definition; authorizing school  
 324 districts to withhold certain funds for specified  
 325 purposes; authorizing eligible schools to use funds to

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326 | participate in certain services; amending s. 1012.731,  
 327 | F.S.; providing the scholarship amount for the Florida  
 328 | Best and Brightest Teacher Scholarship Program;  
 329 | revising the future eligibility criteria for the  
 330 | program; providing additional scholarships to certain  
 331 | teachers for specified school years; providing for  
 332 | retention of a classroom teacher's scholarship  
 333 | eligibility under certain circumstances; requiring  
 334 | each school district to annually submit certain  
 335 | information to the Department of Education; deleting  
 336 | the scheduled expiration of the section; creating s.  
 337 | 1012.732, F.S.; creating the Florida Best and  
 338 | Brightest Principal Scholarship Program; providing  
 339 | legislative intent; providing for funding of the  
 340 | program; providing for certain school principals to  
 341 | receive a scholarship under the program; providing  
 342 | eligibility requirements; providing scholarship  
 343 | amounts; requiring the department to annually identify  
 344 | eligible school principals and disburse funds to  
 345 | school districts by a specified date; requiring each  
 346 | eligible school principal to receive a scholarship;  
 347 | requiring school districts to annually award  
 348 | scholarships to eligible school principals by a  
 349 | specified date; requiring school districts to provide  
 350 | best and brightest principals with specified

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351 additional authority and responsibilities; defining  
 352 the term "school district"; amending s. 1002.385,  
 353 F.S.; revising a definition for the Gardiner  
 354 Scholarship Program; defining the term "inactive" for  
 355 the purposes of the program; authorizing program funds  
 356 to be used for specified purposes and by specified  
 357 entities; prohibiting billing of certain entities for  
 358 services paid for through the program; revising  
 359 private school eligibility requirements; providing  
 360 that consecutive years of certain material exceptions  
 361 constitutes program ineligibility for certain private  
 362 schools; prohibiting certain students from receiving  
 363 additional scholarship payments until certain  
 364 conditions are met; revising funding calculations;  
 365 amending s. 1003.455, F.S.; requiring district school  
 366 boards to provide a specified amount of recess to  
 367 certain students; amending s. 1002.37, F.S.; revising  
 368 eligibility requirements for specified students to  
 369 receive part-time instruction at the Florida Virtual  
 370 School; removing provisions requiring the Auditor  
 371 General to conduct an operational audit of the Florida  
 372 Virtual School; amending s. 1002.455, F.S.;

373 authorizing all students, including home education and  
 374 private school students, to participate in specified  
 375 virtual instruction options; deleting the eligibility

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376 criteria for a student to participate in virtual  
 377 instruction; amending s. 1002.45, F.S.; revising  
 378 student eligibility and participation requirements for  
 379 virtual instruction programs; amending s. 1002.20,  
 380 F.S.; revising requirements for notifying a parent of  
 381 a student with a substantial reading deficiency;  
 382 authorizing a parent to request and be granted  
 383 permission for a student's absence from school for  
 384 treatment of autism spectrum disorder by a licensed  
 385 health care practitioner; authorizing a student to  
 386 possess and use a topical sunscreen while on school  
 387 property or at a school-sponsored event or activity  
 388 under certain circumstances; amending s. 1002.69,  
 389 F.S.; requiring data from the statewide kindergarten  
 390 screening to be used to identify certain students;  
 391 amending s. 1008.25, F.S.; requiring district school  
 392 boards to allocate certain instruction resources to  
 393 certain students deficient in reading; revising  
 394 criteria and requiring the State Board of Education to  
 395 identify guidelines for determining whether certain  
 396 students have a substantial deficiency in reading;  
 397 providing that students with a substantial reading  
 398 deficiency must be covered by certain plans; revising  
 399 the parental notification requirements for students  
 400 with a substantial deficiency in reading; requiring

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401 the Department of Education to develop or contract  
 402 with another entity to develop a handbook containing  
 403 specific information for parents of students with a  
 404 substantial reading deficiency; defining the terms  
 405 "dyslexia" and "dyscalculia"; requiring schools to  
 406 provide certain instruction to students who received a  
 407 good cause exemption from retention; revising grounds  
 408 for such good cause exemption; revising intervention  
 409 requirements for certain retained students; revising  
 410 provisions relating to the Intensive Acceleration  
 411 Class for retained students in certain grades;  
 412 revising student progress evaluation requirements;  
 413 amending s. 1011.67, F.S.; revising the contents of a  
 414 comprehensive staff development plan required for each  
 415 school district to receive instructional materials  
 416 funds; amending s. 1002.51, F.S.; defining the term  
 417 "public school prekindergarten provider"; amending s.  
 418 1003.21, F.S.; requiring each district school board to  
 419 adopt an attendance policy authorizing a student's  
 420 absence for treatment of autism spectrum disorder;  
 421 amending s. 1003.24, F.S.; revising an exemption  
 422 relating to parental responsibility for nonattendance  
 423 of a student to include treatment for autism spectrum  
 424 disorder; amending s. 1003.4156, F.S.; deleting  
 425 requirements relating to the career and education

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426 | planning course for middle grades promotion; amending  
427 | s. 1003.57, F.S.; prohibiting certain school districts  
428 | from declining to provide or contract for certain  
429 | students' educational instruction; providing for  
430 | funding of such students; amending s. 1006.40, F.S.;  
431 | providing an exception from the required uses of a  
432 | specified allocation for certain school districts;  
433 | amending s. 1009.60, F.S.; revising eligibility  
434 | criteria for receipt of a minority teacher education  
435 | scholarship; amending s. 1009.605, F.S.; revising the  
436 | scholar awards on which the Florida Fund for Minority  
437 | Teachers, Inc.'s, budget projection must be based;  
438 | creating the Committee on Early Grade Success within  
439 | the Department of Education; specifying committee  
440 | purpose; requiring the committee to develop a proposal  
441 | for specified purposes; providing proposal  
442 | requirements; providing for membership of the  
443 | committee; providing requirements for electing a  
444 | committee chair and vice chair; providing committee  
445 | meeting requirements; requiring the University of  
446 | Florida Lastinger Center for Learning to provide  
447 | necessary staff for the committee; requiring the  
448 | committee to submit a report by a specified date;  
449 | providing for the expiration of the committee;  
450 | authorizing rulemaking; creating s. 1013.101, F.S.;

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451 providing legislative findings and intent; defining  
 452 terms; requiring the Department of Education to  
 453 provide specified assistance to school districts;  
 454 creating the Shared Use Task Force within the  
 455 department; specifying the purpose and membership of  
 456 the task force; providing requirements for electing a  
 457 task force chair and vice chair and conducting its  
 458 meetings; requiring the department to provide the task  
 459 force with necessary staff; requiring the task force  
 460 to submit a report to the Legislature by a specified  
 461 date; providing for expiration of the task force;  
 462 amending s. 125.901, F.S.; providing that the  
 463 membership of the governing body of certain  
 464 independent special districts in specified counties  
 465 may include the designee of the superintendent of  
 466 schools in lieu of the superintendent; creating s.  
 467 1003.481, F.S.; creating the Early Childhood Music  
 468 Education Incentive Pilot Program within the  
 469 Department of Education for a specified period;  
 470 providing for school district eligibility; providing  
 471 comprehensive music education program requirements;  
 472 providing for school district selection, funding, and  
 473 program payments; requiring selected school districts  
 474 to annually provide a specified certification to the  
 475 Commissioner of Education; requiring a selected school



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476 district to return funds under certain circumstances;  
 477 requiring the University of Florida's College of  
 478 Education to perform an evaluation; authorizing the  
 479 State Board of Education to adopt rules; providing for  
 480 expiration of the pilot program; providing for  
 481 severability; providing appropriations; providing  
 482 effective dates.

483

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

485

486 Section 1. Upon the expiration and reversion of the  
 487 amendment to section 11.45, Florida Statutes, pursuant to  
 488 section 36 of chapter 2016-62, Laws of Florida, paragraph (d) of  
 489 subsection (2) of section 11.45, Florida Statutes, is amended to  
 490 read:

491 11.45 Definitions; duties; authorities; reports; rules.—

492 (2) DUTIES.—The Auditor General shall:

493 (d) Annually conduct financial audits of the accounts and  
 494 records of all district school boards in counties with  
 495 populations of fewer than 150,000, according to the most recent  
 496 federal decennial statewide census, and the Florida School for  
 497 the Deaf and the Blind.

498

499 The Auditor General shall perform his or her duties  
 500 independently but under the general policies established by the

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501 Legislative Auditing Committee. This subsection does not limit  
 502 the Auditor General's discretionary authority to conduct other  
 503 audits or engagements of governmental entities as authorized in  
 504 subsection (3).

505 Section 2. Paragraph (c) of subsection (3) of section  
 506 1002.71, Florida Statutes, is amended to read:

507 1002.71 Funding; financial and attendance reporting.—

508 (3)

509 (c) The initial allocation shall be based on estimated  
 510 student enrollment in each coalition service area. The Office of  
 511 Early Learning shall reallocate funds among the coalitions based  
 512 on actual full-time equivalent student enrollment in each  
 513 coalition service area. Each coalition shall report student  
 514 enrollment pursuant to subsection (2) on a monthly basis. A  
 515 student enrollment count for the prior fiscal year may not be  
 516 amended after September 30 ~~December 31~~ of the subsequent fiscal  
 517 year.

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

520 1003.52 Educational services in Department of Juvenile  
 521 Justice programs.—

522 ~~(21) The education programs at the Florida School for Boys~~  
 523 ~~in Okeechobee shall be operated by the Department of Education,~~  
 524 ~~either directly or through grants or contractual agreements with~~  
 525 ~~other public or duly accredited education agencies approved by~~

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526 | ~~the Department of Education.~~

527 |       Section 4. Upon the expiration and reversion of the  
 528 | amendments to section 1011.62, Florida Statutes, pursuant to  
 529 | section 23 of chapter 2016-62, Laws of Florida, subsections (15)  
 530 | and (16) are renumbered as subsections (16) and (17),  
 531 | respectively, paragraphs (e), (f), (h), and (i) and paragraphs  
 532 | (1) through (o) of subsection (1), paragraph (a) of subsection  
 533 | (4), paragraph (b) of subsection (7), paragraphs (a), (c), and  
 534 | (d) of subsection (9), subsections (11), (12), (13), and (14),  
 535 | and paragraph (b) of present subsection (15) of section 1011.62,  
 536 | Florida Statutes, are amended, and a new subsection (13) is  
 537 | added to that section, to read:

538 |       1011.62 Funds for operation of schools.—If the annual  
 539 | allocation from the Florida Education Finance Program to each  
 540 | district for operation of schools is not determined in the  
 541 | annual appropriations act or the substantive bill implementing  
 542 | the annual appropriations act, it shall be determined as  
 543 | follows:

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

548 |       (e) *Funding model for exceptional student education*  
 549 | *programs.*—

550 |       1.a. The funding model uses basic, at-risk, support levels

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551 IV and V for exceptional students and career Florida Education  
552 Finance Program cost factors, and a guaranteed allocation for  
553 exceptional student education programs. Exceptional education  
554 cost factors are determined by using a matrix of services to  
555 document the services that each exceptional student will  
556 receive. The nature and intensity of the services indicated on  
557 the matrix shall be consistent with the services described in  
558 each exceptional student's individual educational plan. The  
559 Department of Education shall review and revise the descriptions  
560 of the services and supports included in the matrix of services  
561 for exceptional students and shall implement those revisions  
562 before the beginning of the 2012-2013 school year.

563 b. In order to generate funds using one of the two  
564 weighted cost factors, a matrix of services must be completed at  
565 the time of the student's initial placement into an exceptional  
566 student education program and at least once every 3 years by  
567 personnel who have received approved training. Nothing listed in  
568 the matrix shall be construed as limiting the services a school  
569 district must provide in order to ensure that exceptional  
570 students are provided a free, appropriate public education.

571 c. Students identified as exceptional, in accordance with  
572 chapter 6A-6, Florida Administrative Code, who do not have a  
573 matrix of services as specified in sub-subparagraph b. shall  
574 generate funds on the basis of full-time-equivalent student  
575 membership in the Florida Education Finance Program at the same

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576 funding level per student as provided for basic students.  
577 Additional funds for these exceptional students will be provided  
578 through the guaranteed allocation designated in subparagraph 2.  
579 2. For students identified as exceptional who do not have  
580 a matrix of services and students who are gifted in grades K  
581 through 8, there is created a guaranteed allocation to provide  
582 these students with a free appropriate public education, in  
583 accordance with s. 1001.42(4)(1) and rules of the State Board of  
584 Education, which shall be allocated initially to each school  
585 district in the amount provided in the General Appropriations  
586 Act. These funds shall be supplemental to the funds appropriated  
587 for the basic funding level, and the amount allocated for each  
588 school district shall be recalculated ~~once~~ during the year,  
589 based on actual student membership from ~~the October~~ FTE surveys  
590 survey. Upon recalculation, if the generated allocation is  
591 greater than the amount provided in the General Appropriations  
592 Act, the total shall be prorated to the level of the  
593 appropriation based on each district's share of the total  
594 recalculated amount. These funds shall be used to provide  
595 special education and related services for exceptional students  
596 and students who are gifted in grades K through 8. A district's  
597 expenditure of funds from the guaranteed allocation for students  
598 in grades 9 through 12 who are gifted may not be greater than  
599 the amount expended during the 2006-2007 fiscal year for gifted  
600 students in grades 9 through 12.

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601 (f) *Supplemental academic instruction; categorical fund.*—

602 1. There is created a categorical fund to provide  
 603 supplemental academic instruction to students in kindergarten  
 604 through grade 12. This paragraph may be cited as the  
 605 "Supplemental Academic Instruction Categorical Fund."

606 2. The categorical fund is ~~funds for supplemental academic~~  
 607 ~~instruction shall be allocated annually to each school district~~  
 608 ~~in the amount provided in the General Appropriations Act. These~~  
 609 ~~funds shall be~~ in addition to the funds appropriated on the  
 610 basis of FTE student membership in the Florida Education Finance  
 611 Program and shall be included in the total potential funds of  
 612 each district. These funds shall be used to provide supplemental  
 613 academic instruction to students enrolled in the K-12 program.  
 614 ~~For the 2014-2015 fiscal year,~~ Each school district that has one  
 615 or more of the 300 lowest-performing elementary schools based on  
 616 the state reading assessment for the prior year shall use these  
 617 funds, together with the funds provided in the district's  
 618 research-based reading instruction allocation and other  
 619 available funds, to provide an additional hour of instruction  
 620 beyond the normal school day for each day of the entire school  
 621 year for intensive reading instruction for the students in each  
 622 of these schools. This additional hour of instruction must be  
 623 provided by teachers or reading specialists who have  
 624 demonstrated effectiveness ~~are effective~~ in teaching reading or  
 625 by a K-5 mentoring reading program that is supervised by a

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626 | teacher who is effective at teaching reading. Students enrolled  
627 | in these schools who have level 5 assessment scores may  
628 | participate in the additional hour of instruction on an optional  
629 | basis. Exceptional student education centers shall not be  
630 | included in the 300 schools. The designation of the 300 lowest-  
631 | performing elementary schools must be based on the state reading  
632 | assessment for the prior year. After this requirement has been  
633 | met, supplemental instruction strategies may include, but are  
634 | not limited to: use of a modified curriculum, reading  
635 | instruction, after-school instruction, tutoring, mentoring, a  
636 | reduction in class size ~~reduction~~, extended school year,  
637 | intensive skills development in summer school, and other methods  
638 | of ~~for~~ improving student achievement. Supplemental instruction  
639 | may be provided to a student in any manner and at any time  
640 | during or beyond the regular 180-day term identified by the  
641 | school as being the most effective and efficient way to best  
642 | help that student progress from grade to grade and to graduate.

643 | 3. Categorical funds for supplemental academic instruction  
644 | shall be provided annually in the Florida Education Finance  
645 | Program as specified in the General Appropriations Act. These  
646 | funds shall be provided as a supplement to the funds  
647 | appropriated for the basic funding level and shall be included  
648 | in the total funds of each district. The allocation shall  
649 | consist of a base amount that has a workload adjustment based on  
650 | changes in unweighted FTE. In addition, districts that have

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651 elementary schools included in the 300 lowest-performing schools  
652 designation shall be allocated additional funds to assist those  
653 districts in providing intensive reading instruction to students  
654 in those schools. The amount provided shall be based on each  
655 district's level of per-student funding in the reading  
656 instruction allocation and the supplemental academic instruction  
657 categorical fund and on the total FTE for each of the schools.  
658 The categorical funding shall be recalculated during the fiscal  
659 year following an updated designation of the 300 lowest-  
660 performing elementary schools and shall be based on actual  
661 student membership from the FTE surveys. Upon recalculation of  
662 funding for the supplemental academic instruction categorical  
663 fund, if the total allocation is greater than the amount  
664 provided in the General Appropriations Act, the allocation shall  
665 be prorated to the level provided to support the appropriation,  
666 based on each district's share of the total.

667 ~~4.3.~~ Effective with the 1999-2000 fiscal year, funding on  
668 the basis of FTE membership beyond the 180-day regular term  
669 shall be provided in the FEFP only for students enrolled in  
670 juvenile justice education programs or in education programs for  
671 juveniles placed in secure facilities or programs under s.  
672 985.19. Funding for instruction beyond the regular 180-day  
673 school year for all other K-12 students shall be provided  
674 through the supplemental academic instruction allocation  
675 ~~categorical fund~~ and other state, federal, and local fund



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676 sources with ample flexibility for schools to provide  
 677 supplemental instruction to assist students in progressing from  
 678 grade to grade and graduating.

679 5.4. The Florida State University School, as a lab school,  
 680 is authorized to expend from its FEFP or Lottery Enhancement  
 681 Trust Fund allocation the cost to the student of remediation in  
 682 reading, writing, or mathematics for any graduate who requires  
 683 remediation at a postsecondary educational institution.

684 6.5.— Beginning in the 1999-2000 school year, dropout  
 685 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
 686 (b), and (c), and 1003.54 shall be included in group 1 programs  
 687 under subparagraph (d)3.

688 (h) *Small, isolated ~~high~~ schools.*—Districts that ~~which~~  
 689 levy the maximum nonvoted discretionary millage, exclusive of  
 690 millage for capital outlay purposes levied pursuant to s.  
 691 1011.71(2), may calculate full-time equivalent students for  
 692 small, isolated district-operated ~~high~~ schools by multiplying  
 693 the number of unweighted full-time equivalent students times  
 694 2.75; ~~provided the school has attained a grade of "C" or better,~~  
 695 ~~pursuant to s. 1008.34, for the previous school year.~~ The  
 696 following schools may be considered small, isolated schools  
 697 under this paragraph:

698 1. A ~~For the purpose of this section, the term "small,~~  
 699 ~~isolated high school" means Any high school that which is~~  
 700 located at least ~~no less than~~ 28 miles by the shortest route

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701 from another high school; ~~which~~ has been serving students  
 702 primarily in basic studies provided by sub-subparagraphs (c)1.b.  
 703 and c. and may include subparagraph (c)4.; and ~~which~~ has a  
 704 membership of at least 28, but no more than 100, students, ~~but~~  
 705 ~~no fewer than 28 students,~~ in grades 9 through 12; or-

706 2. A district elementary school with a grade configuration  
 707 of kindergarten through grade 5, but which may also include  
 708 prekindergarten, grade 6, grade 7, or grade 8, that is located  
 709 at least 35 miles by the shortest route from another elementary  
 710 school within the district; has been serving students primarily  
 711 in basic studies provided by sub-subparagraphs (c)1.a. and b.  
 712 and may include subparagraph (c)4.; has a student population in  
 713 which 75 percent or greater of students are eligible for free  
 714 and reduced-price school lunch; and has a membership of at least  
 715 28, but no more than 100, students.

716 (i) *Calculation of full-time equivalent membership with*  
 717 *respect to dual enrollment instruction.*—Students enrolled in  
 718 dual enrollment instruction pursuant to s. 1007.271 may be  
 719 included in calculations of full-time equivalent student  
 720 memberships for basic programs for grades 9 through 12 by a  
 721 district school board. Instructional time for dual enrollment  
 722 may vary from 900 hours; however, the full-time equivalent  
 723 student membership value shall be subject to the provisions in  
 724 s. 1011.61(4). Dual enrollment full-time equivalent student  
 725 membership shall be calculated in an amount equal to the hours

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726 of instruction that would be necessary to earn the full-time  
 727 equivalent student membership for an equivalent course if it  
 728 were taught in the school district. Students in dual enrollment  
 729 courses may also be calculated as the proportional shares of  
 730 full-time equivalent enrollments they generate for a Florida  
 731 College System institution or university conducting the dual  
 732 enrollment instruction. Early admission students shall be  
 733 considered dual enrollments for funding purposes. Students may  
 734 be enrolled in dual enrollment instruction provided by an  
 735 eligible independent college or university and may be included  
 736 in calculations of full-time equivalent student memberships for  
 737 basic programs for grades 9 through 12 by a district school  
 738 board. However, those provisions of law which exempt dual  
 739 enrolled and early admission students from payment of  
 740 instructional materials and tuition and fees, including  
 741 laboratory fees, shall not apply to students who select the  
 742 option of enrolling in an eligible independent institution. An  
 743 independent college or university, which is located and  
 744 ~~chartered in Florida,~~ is not for profit, is accredited by a  
 745 regional or national accrediting agency recognized by the United  
 746 States Department of Education ~~the Commission on Colleges of the~~  
 747 ~~Southern Association of Colleges and Schools or the Accrediting~~  
 748 ~~Council for Independent Colleges and Schools,~~ and confers  
 749 degrees as defined in s. 1005.02 shall be eligible for inclusion  
 750 in the dual enrollment or early admission program. Students

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751 enrolled in dual enrollment instruction shall be exempt from the  
752 payment of tuition and fees, including laboratory fees. No  
753 student enrolled in college credit mathematics or English dual  
754 enrollment instruction shall be funded as a dual enrollment  
755 unless the student has successfully completed the relevant  
756 section of the entry-level examination required pursuant to s.  
757 1008.30.

758 (1) *Calculation of additional full-time equivalent*  
759 *membership based on International Baccalaureate examination*  
760 *scores of students.*—A value of 0.16 full-time equivalent student  
761 membership shall be calculated for each student enrolled in an  
762 International Baccalaureate course who receives a score of 4 or  
763 higher on a subject examination. A value of 0.3 full-time  
764 equivalent student membership shall be calculated for each  
765 student who receives an International Baccalaureate diploma.  
766 Such value shall be added to the total full-time equivalent  
767 student membership in basic programs for grades 9 through 12 in  
768 the subsequent fiscal year. Each school district shall allocate  
769 80 percent of the funds received from International  
770 Baccalaureate bonus FTE funding to the school program whose  
771 students generate the funds and to school programs that prepare  
772 prospective students to enroll in International Baccalaureate  
773 courses. Funds shall be expended solely for the payment of  
774 allowable costs associated with the International Baccalaureate  
775 program. Allowable costs include International Baccalaureate

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776 annual school fees; International Baccalaureate examination  
 777 fees; salary, benefits, and bonuses for teachers and program  
 778 coordinators for the International Baccalaureate program and  
 779 teachers and coordinators who prepare prospective students for  
 780 the International Baccalaureate program; supplemental books;  
 781 instructional supplies; instructional equipment or instructional  
 782 materials for International Baccalaureate courses; other  
 783 activities that identify prospective International Baccalaureate  
 784 students or prepare prospective students to enroll in  
 785 International Baccalaureate courses; and training or  
 786 professional development for International Baccalaureate  
 787 teachers. School districts shall allocate the remaining 20  
 788 percent of the funds received from International Baccalaureate  
 789 bonus FTE funding for programs that assist academically  
 790 disadvantaged students to prepare for more rigorous courses. The  
 791 school district shall distribute to each classroom teacher who  
 792 provided International Baccalaureate instruction:

793 1. A bonus in the amount of \$50 for each student taught by  
 794 the International Baccalaureate teacher in each International  
 795 Baccalaureate course who receives a score of 4 or higher on the  
 796 International Baccalaureate examination.

797 2. An additional bonus of \$500 to each International  
 798 Baccalaureate teacher in a school designated with a grade of "D"  
 799 or "F" who has at least one student scoring 4 or higher on the  
 800 International Baccalaureate examination, regardless of the

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801 number of classes taught or of the number of students scoring a  
 802 4 or higher on the International Baccalaureate examination.

803  
 804 ~~Bonuses awarded to a teacher according to this paragraph may not~~  
 805 ~~exceed \$2,000 in any given school year. However, the maximum~~  
 806 ~~bonus shall be \$3,000 if at least 50 percent of the students~~  
 807 ~~enrolled in a teacher's course earn a score of 4 or higher on~~  
 808 ~~the examination in a school designated with a grade of "A," "B,"~~  
 809 ~~or "C"; or if at least 25 percent of the students enrolled in a~~  
 810 ~~teacher's course earn a score of 4 or higher on the examination~~  
 811 ~~in a school designated with a grade of "D" or "F."~~ Bonuses  
 812 awarded under this paragraph shall be in addition to any regular  
 813 wage or other bonus the teacher received or is scheduled to  
 814 receive. For such courses, the teacher shall earn an additional  
 815 bonus of \$50 for each student who has a qualifying score ~~up to~~  
 816 ~~the maximum of \$3,000 in any given school year.~~

817 (m) *Calculation of additional full-time equivalent*  
 818 *membership based on Advanced International Certificate of*  
 819 *Education examination scores of students.*—A value of 0.16 full-  
 820 time equivalent student membership shall be calculated for each  
 821 student enrolled in a full-credit Advanced International  
 822 Certificate of Education course who receives a score of E or  
 823 higher on a subject examination. A value of 0.08 full-time  
 824 equivalent student membership shall be calculated for each  
 825 student enrolled in a half-credit Advanced International

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826 Certificate of Education course who receives a score of E or  
 827 higher on a subject examination. A value of 0.3 full-time  
 828 equivalent student membership shall be calculated for each  
 829 student who receives an Advanced International Certificate of  
 830 Education diploma. Such value shall be added to the total full-  
 831 time equivalent student membership in basic programs for grades  
 832 9 through 12 in the subsequent fiscal year. Each school district  
 833 shall allocate at least 80 percent of the funds received from  
 834 the Advanced International Certificate of Education bonus FTE  
 835 funding, in accordance with this paragraph, to the school  
 836 program that generated the funds. The school district shall  
 837 distribute to each classroom teacher who provided Advanced  
 838 International Certificate of Education instruction:

839 1. A bonus in the amount of \$50 for each student taught by  
 840 the Advanced International Certificate of Education teacher in  
 841 each full-credit Advanced International Certificate of Education  
 842 course who receives a score of E or higher on the Advanced  
 843 International Certificate of Education examination. A bonus in  
 844 the amount of \$25 for each student taught by the Advanced  
 845 International Certificate of Education teacher in each half-  
 846 credit Advanced International Certificate of Education course  
 847 who receives a score of E or higher on the Advanced  
 848 International Certificate of Education examination.

849 2. An additional bonus of \$500 to each Advanced  
 850 International Certificate of Education teacher in a school

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851 designated with a grade of "D" or "F" who has at least one  
852 student scoring E or higher on the full-credit Advanced  
853 International Certificate of Education examination, regardless  
854 of the number of classes taught or of the number of students  
855 scoring an E or higher on the full-credit Advanced International  
856 Certificate of Education examination.

857 3. Additional bonuses of \$250 each to teachers of half-  
858 credit Advanced International Certificate of Education classes  
859 in a school designated with a grade of "D" or "F" which has at  
860 least one student scoring an E or higher on the half-credit  
861 Advanced International Certificate of Education examination in  
862 that class. ~~The maximum additional bonus for a teacher awarded~~  
863 ~~in accordance with this subparagraph shall not exceed \$500 in~~  
864 ~~any given school year.~~ Teachers receiving an award under  
865 subparagraph 2. are not eligible for a bonus under this  
866 subparagraph.

867  
868 Bonuses awarded to a teacher according to this paragraph ~~shall~~  
869 ~~not exceed \$2,000 in any given school year and~~ shall be in  
870 addition to any regular wage or other bonus the teacher received  
871 or is scheduled to receive.

872 (n) *Calculation of additional full-time equivalent*  
873 *membership based on college board advanced placement scores of*  
874 *students.*—A value of 0.16 full-time equivalent student  
875 membership shall be calculated for each student in each advanced



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876 placement course who receives a score of 3 or higher on the  
 877 College Board Advanced Placement Examination for the prior year  
 878 and added to the total full-time equivalent student membership  
 879 in basic programs for grades 9 through 12 in the subsequent  
 880 fiscal year. Each district must allocate at least 80 percent of  
 881 the funds provided to the district for advanced placement  
 882 instruction, in accordance with this paragraph, to the high  
 883 school that generates the funds. The school district shall  
 884 distribute to each classroom teacher who provided advanced  
 885 placement instruction:

886         1. A bonus in the amount of \$50 for each student taught by  
 887 the Advanced Placement teacher in each advanced placement course  
 888 who receives a score of 3 or higher on the College Board  
 889 Advanced Placement Examination.

890         2. An additional bonus of \$500 to each Advanced Placement  
 891 teacher in a school designated with a grade of "D" or "F" who  
 892 has at least one student scoring 3 or higher on the College  
 893 Board Advanced Placement Examination, regardless of the number  
 894 of classes taught or of the number of students scoring a 3 or  
 895 higher on the College Board Advanced Placement Examination.

896  
 897 ~~Bonuses awarded to a teacher according to this paragraph shall~~  
 898 ~~not exceed \$2,000 in any given school year. However, the maximum~~  
 899 ~~bonus shall be \$3,000 if at least 50 percent of the students~~  
 900 ~~enrolled in a teacher's course earn a score of 3 or higher on~~

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901 ~~the examination in a school with a grade of "A," "B," or "C" or~~  
902 ~~if at least 25 percent of the students enrolled in a teacher's~~  
903 ~~course earn a score of 3 or higher on the examination in a~~  
904 ~~school with a grade of "D" or "F."~~ Bonuses awarded under this  
905 paragraph shall be in addition to any regular wage or other  
906 bonus the teacher received or is scheduled to receive. For such  
907 courses, the teacher shall earn an additional bonus of \$50 for  
908 each student who has a qualifying score ~~up to the maximum of~~  
909 ~~\$3,000 in any given school year.~~

910 (o) *Calculation of additional full-time equivalent*  
911 *membership based on successful completion of a career-themed*  
912 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*  
913 *courses with embedded CAPE industry certifications or CAPE*  
914 *Digital Tool certificates, and issuance of industry*  
915 *certification identified on the CAPE Industry Certification*  
916 *Funding List pursuant to rules adopted by the State Board of*  
917 *Education or CAPE Digital Tool certificates pursuant to s.*  
918 *1003.4203.—*

919 1.a. A value of 0.025 full-time equivalent student  
920 membership shall be calculated for CAPE Digital Tool  
921 certificates earned by students in elementary and middle school  
922 grades.

923 b. A value of 0.1 or 0.2 full-time equivalent student  
924 membership shall be calculated for each student who completes a  
925 course as defined in s. 1003.493(1)(b) or courses with embedded

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926 CAPE industry certifications and who is issued an industry  
 927 certification identified annually on the CAPE Industry  
 928 Certification Funding List approved under rules adopted by the  
 929 State Board of Education. A value of 0.2 full-time equivalent  
 930 membership shall be calculated for each student who is issued a  
 931 CAPE industry certification that has a statewide articulation  
 932 agreement for college credit approved by the State Board of  
 933 Education. For CAPE industry certifications that do not  
 934 articulate for college credit, the Department of Education shall  
 935 assign a full-time equivalent value of 0.1 for each  
 936 certification. Middle grades students who earn additional FTE  
 937 membership for a CAPE Digital Tool certificate pursuant to sub-  
 938 subparagraph a. may not use the previously funded examination to  
 939 satisfy the requirements for earning an industry certification  
 940 under this sub-subparagraph. Additional FTE membership for an  
 941 elementary or middle grades student may not exceed 0.1 for  
 942 certificates or certifications earned within the same fiscal  
 943 year. The State Board of Education shall include the assigned  
 944 values on the CAPE Industry Certification Funding List under  
 945 rules adopted by the state board. Such value shall be added to  
 946 the total full-time equivalent student membership for grades 6  
 947 through 12 in the subsequent year. CAPE industry certifications  
 948 earned through dual enrollment must be reported and funded  
 949 pursuant to s. 1011.80. However, if a student earns a  
 950 certification through a dual enrollment course and the

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951 certification is not a fundable certification on the  
 952 postsecondary certification funding list, or the dual enrollment  
 953 certification is earned as a result of an agreement between a  
 954 school district and a nonpublic postsecondary institution, the  
 955 bonus value shall be funded in the same manner as other nondual  
 956 enrollment course industry certifications. In such cases, the  
 957 school district may provide for an agreement between the high  
 958 school and the technical center, or the school district and the  
 959 postsecondary institution may enter into an agreement for  
 960 equitable distribution of the bonus funds.

961 c. A value of 0.3 full-time equivalent student membership  
 962 shall be calculated for student completion of the courses and  
 963 the embedded certifications identified on the CAPE Industry  
 964 Certification Funding List and approved by the commissioner  
 965 pursuant to ss. 1003.4203(5) (a) and 1008.44.

966 d. A value of 0.5 full-time equivalent student membership  
 967 shall be calculated for CAPE Acceleration Industry  
 968 Certifications that articulate for 15 to 29 college credit  
 969 hours, and 1.0 full-time equivalent student membership shall be  
 970 calculated for CAPE Acceleration Industry Certifications that  
 971 articulate for 30 or more college credit hours pursuant to CAPE  
 972 Acceleration Industry Certifications approved by the  
 973 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

974 2. Each district must allocate at least 80 percent of the  
 975 funds provided for CAPE industry certification, in accordance

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976 | with this paragraph, to the program that generated the funds.  
 977 | This allocation may not be used to supplant funds provided for  
 978 | basic operation of the program.

979 |         3. For CAPE industry certifications earned in the 2013-  
 980 | 2014 school year and in subsequent years, the school district  
 981 | shall distribute to each classroom teacher who provided direct  
 982 | instruction toward the attainment of a CAPE industry  
 983 | certification that qualified for additional full-time equivalent  
 984 | membership under subparagraph 1.:

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

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

993 |             c. A bonus of \$75 for each student taught by a teacher who  
 994 | provided instruction in a course that led to the attainment of a  
 995 | CAPE industry certification on the CAPE Industry Certification  
 996 | Funding List with a weight of 0.3.

997 |             d. A bonus of \$100 for each student taught by a teacher  
 998 | who provided instruction in a course that led to the attainment  
 999 | of a CAPE industry certification on the CAPE Industry  
 1000 | Certification Funding List with a weight of 0.5 or 1.0.

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1001  
 1002 Bonuses awarded pursuant to this paragraph shall be provided to  
 1003 teachers who are employed by the district in the year in which  
 1004 the additional FTE membership calculation is included in the  
 1005 calculation. Bonuses shall be calculated based upon the  
 1006 associated weight of a CAPE industry certification on the CAPE  
 1007 Industry Certification Funding List for the year in which the  
 1008 certification is earned by the student. Any bonus awarded to a  
 1009 teacher under this paragraph ~~may not exceed \$3,000 in any given~~  
 1010 ~~school year and~~ is in addition to any regular wage or other  
 1011 bonus the teacher received or is scheduled to receive.

1012 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
 1013 Legislature shall prescribe the aggregate required local effort  
 1014 for all school districts collectively as an item in the General  
 1015 Appropriations Act for each fiscal year. The amount that each  
 1016 district shall provide annually toward the cost of the Florida  
 1017 Education Finance Program for kindergarten through grade 12  
 1018 programs shall be calculated as follows:

1019 (a) *Estimated taxable value calculations.*—

1020 1.a. Not later than 2 working days before July 19, the  
 1021 Department of Revenue shall certify to the Commissioner of  
 1022 Education its most recent estimate of the taxable value for  
 1023 school purposes in each school district and the total for all  
 1024 school districts in the state for the current calendar year  
 1025 based on the latest available data obtained from the local

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1026 | property appraisers. The value certified shall be the taxable  
 1027 | value for school purposes for that year, and no further  
 1028 | adjustments shall be made, except those made pursuant to  
 1029 | paragraphs (c) and (d), or an assessment roll change required by  
 1030 | final judicial decisions as specified in paragraph (16) (b)  
 1031 | ~~(15) (b)~~. Not later than July 19, the Commissioner of Education  
 1032 | shall compute a millage rate, rounded to the next highest one  
 1033 | one-thousandth of a mill, which, when applied to 96 percent of  
 1034 | the estimated state total taxable value for school purposes,  
 1035 | would generate the prescribed aggregate required local effort  
 1036 | for that year for all districts. The Commissioner of Education  
 1037 | shall certify to each district school board the millage rate,  
 1038 | computed as prescribed in this subparagraph, as the minimum  
 1039 | millage rate necessary to provide the district required local  
 1040 | effort for that year.

1041 |         b. The General Appropriations Act shall direct the  
 1042 | computation of the statewide adjusted aggregate amount for  
 1043 | required local effort for all school districts collectively from  
 1044 | ad valorem taxes to ensure that no school district's revenue  
 1045 | from required local effort millage will produce more than 90  
 1046 | percent of the district's total Florida Education Finance  
 1047 | Program calculation as calculated and adopted by the  
 1048 | Legislature, and the adjustment of the required local effort  
 1049 | millage rate of each district that produces more than 90 percent  
 1050 | of its total Florida Education Finance Program entitlement to a

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1051 level that will produce only 90 percent of its total Florida  
 1052 Education Finance Program entitlement in the July calculation.

1053 2. On the same date as the certification in sub-  
 1054 subparagraph 1.a., the Department of Revenue shall certify to  
 1055 the Commissioner of Education for each district:

1056 a. Each year for which the property appraiser has  
 1057 certified the taxable value pursuant to s. 193.122(2) or (3), if  
 1058 applicable, since the prior certification under sub-subparagraph  
 1059 1.a.

1060 b. For each year identified in sub-subparagraph a., the  
 1061 taxable value certified by the appraiser pursuant to s.  
 1062 193.122(2) or (3), if applicable, since the prior certification  
 1063 under sub-subparagraph 1.a. This is the certification that  
 1064 reflects all final administrative actions of the value  
 1065 adjustment board.

1066 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1067 (b) The district sparsity index shall be computed by  
 1068 dividing the total number of full-time equivalent students in  
 1069 all programs in the district by the number of senior high school  
 1070 centers in the district, not in excess of three, which centers  
 1071 are approved as permanent centers by a survey made by the  
 1072 Department of Education. For districts with a full-time  
 1073 equivalent student membership of at least 20,000, but no more  
 1074 than 24,000, the index shall be computed by dividing the total  
 1075 number of full-time equivalent students in all programs by the



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1076 | number of permanent senior high school centers in the district,  
 1077 | not in excess of four.  
 1078 |       (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—  
 1079 |       (a) The research-based reading instruction allocation is  
 1080 | created to provide comprehensive reading instruction to students  
 1081 | in kindergarten through grade 12. ~~For the 2014-2015 fiscal year,~~  
 1082 | ~~in~~ Each school district that has one or more of the 300 lowest-  
 1083 | performing elementary schools based on the state reading  
 1084 | assessment, ~~priority~~ shall give priority ~~be given~~ to providing  
 1085 | an additional hour per day of intensive reading instruction  
 1086 | beyond the normal school day for each day of the entire school  
 1087 | year for the students in each school. The designation of the 300  
 1088 | lowest-performing elementary schools must be based on the state  
 1089 | reading assessment for the prior year. Students enrolled in  
 1090 | these schools who have level 5 assessment scores may participate  
 1091 | in the additional hour of instruction on an optional basis.  
 1092 | Exceptional student education centers may ~~shall~~ not be included  
 1093 | in the 300 schools. The intensive reading instruction delivered  
 1094 | in this additional hour and for other students shall include:  
 1095 | research-based reading instruction that has been proven to  
 1096 | accelerate progress of students exhibiting a reading deficiency;  
 1097 | differentiated instruction based on screening, diagnostic,  
 1098 | progress monitoring, or student assessment data to meet  
 1099 | students' specific reading needs; explicit and systematic  
 1100 | reading strategies to develop ~~development in~~ phonemic awareness,

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1101 phonics, fluency, vocabulary, and comprehension, with more  
 1102 extensive opportunities for guided practice, error correction,  
 1103 and feedback; and the integration of social studies, science,  
 1104 and mathematics-text reading, text discussion, and writing in  
 1105 response to reading. ~~For the 2012-2013 and 2013-2014 fiscal~~  
 1106 ~~years, a school district may not hire more reading coaches than~~  
 1107 ~~were hired during the 2011-2012 fiscal year unless all students~~  
 1108 ~~in kindergarten through grade 5 who demonstrate a reading~~  
 1109 ~~deficiency, as determined by district and state assessments,~~  
 1110 ~~including students scoring Level 1 or Level 2 on the statewide,~~  
 1111 ~~standardized reading assessment or, upon implementation, the~~  
 1112 ~~English Language Arts assessment, are provided an additional~~  
 1113 ~~hour per day of intensive reading instruction beyond the normal~~  
 1114 ~~school day for each day of the entire school year.~~

1115 (c) Funds allocated under this subsection must be used to  
 1116 provide a system of comprehensive reading instruction to  
 1117 students enrolled in the K-12 programs, which may include the  
 1118 following:

1119 1. The provision of an additional hour per day of  
 1120 intensive reading instruction to students in the 300 lowest-  
 1121 performing elementary schools by teachers and reading  
 1122 specialists who have demonstrated effectiveness ~~are effective~~ in  
 1123 teaching reading.

1124 2. Kindergarten through grade 5 reading intervention  
 1125 teachers to provide intensive intervention during the school day

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1126 | and in the required extra hour for students identified as having  
 1127 | a reading deficiency.

1128 |         3. The provision of highly qualified reading coaches to  
 1129 | specifically support teachers in making instructional decisions  
 1130 | based on student data, and improve teacher delivery of effective  
 1131 | reading instruction, intervention, and reading in the content  
 1132 | areas based on student need.

1133 |         4. Professional development for school district teachers  
 1134 | in scientifically based reading instruction, including  
 1135 | strategies to teach reading in content areas and with an  
 1136 | emphasis on technical and informational text, to help school  
 1137 | district teachers earn a certification or an endorsement in  
 1138 | reading.

1139 |         5. The provision of summer reading camps for all students  
 1140 | in kindergarten through grade 2 who demonstrate a reading  
 1141 | deficiency as determined by district and state assessments, and  
 1142 | students in grades 3 through 5 who score at Level 1 on the  
 1143 | statewide, standardized reading assessment or, upon  
 1144 | implementation, the English Language Arts assessment.

1145 |         6. The provision of supplemental instructional materials  
 1146 | that are grounded in scientifically based reading research.

1147 |         7. The provision of intensive interventions for students  
 1148 | in kindergarten through grade 12 who have been identified as  
 1149 | having a reading deficiency or who are reading below grade level  
 1150 | as determined by the statewide, standardized assessment.

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1151 (d)1. Annually, by a date determined by the Department of  
1152 Education but before May 1, school districts shall submit a K-12  
1153 comprehensive reading plan for the specific use of the research-  
1154 based reading instruction allocation in the format prescribed by  
1155 the department for review and approval by the Just Read,  
1156 Florida! Office created pursuant to s. 1001.215. The plan  
1157 annually submitted by school districts shall be deemed approved  
1158 unless the department rejects the plan on or before June 1. If a  
1159 school district and the Just Read, Florida! Office cannot reach  
1160 agreement on the contents of the plan, the school district may  
1161 appeal to the State Board of Education for resolution. School  
1162 districts shall be allowed reasonable flexibility in designing  
1163 their plans and shall be encouraged to offer reading  
1164 intervention through innovative methods, including career  
1165 academies. The plan format shall be developed with input from  
1166 school district personnel, including teachers and principals,  
1167 and shall allow courses in core, career, and alternative  
1168 programs that deliver intensive reading remediation through  
1169 integrated curricula, provided that the teacher is deemed highly  
1170 qualified to teach reading or working toward that status. No  
1171 later than July 1 annually, the department shall release the  
1172 school district's allocation of appropriated funds to those  
1173 districts having approved plans. A school district that spends  
1174 100 percent of this allocation on its approved plan shall be  
1175 deemed to have been in compliance with the plan. The department

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Exhibit "A"

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1176 | may withhold funds upon a determination that reading instruction  
 1177 | allocation funds are not being used to implement the approved  
 1178 | plan. The department shall monitor and track the implementation  
 1179 | of each district plan, including conducting site visits and  
 1180 | collecting specific data on expenditures and reading improvement  
 1181 | results. By February 1 of each year, the department shall report  
 1182 | its findings to the Legislature.

1183 |       2. Each school district that has a school designated as  
 1184 | one of the 300 lowest-performing elementary schools as specified  
 1185 | in paragraph (a) shall specifically delineate in the  
 1186 | comprehensive reading plan, or in an addendum to the  
 1187 | comprehensive reading plan, the implementation design and  
 1188 | reading intervention strategies that will be used for the  
 1189 | required additional hour of reading instruction. The term  
 1190 | "reading intervention" includes evidence-based strategies  
 1191 | frequently used to remediate reading deficiencies and also  
 1192 | includes individual instruction, tutoring, mentoring, or the use  
 1193 | of technology that targets specific reading skills and  
 1194 | abilities.

1195 |       (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
 1196 | annually provide in the Florida Education Finance Program a  
 1197 | virtual education contribution. The amount of the virtual  
 1198 | education contribution shall be the difference between the  
 1199 | amount per FTE established in the General Appropriations Act for  
 1200 | virtual education and the amount per FTE for each district and

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1201 the Florida Virtual School, which may be calculated by taking  
 1202 the sum of the base FEFP allocation, the discretionary local  
 1203 effort, the state-funded discretionary contribution, the  
 1204 discretionary millage compression supplement, the research-based  
 1205 reading instruction allocation, and the instructional materials  
 1206 allocation, and then dividing by the total unweighted FTE. This  
 1207 difference shall be multiplied by the virtual education  
 1208 unweighted FTE for programs and options identified in s.  
 1209 1002.455 ~~s. 1002.455(3)~~ and the Florida Virtual School and its  
 1210 franchises to equal the virtual education contribution and shall  
 1211 be included as a separate allocation in the funding formula.

1212 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

1213 (a) The Florida digital classrooms allocation is created  
 1214 to support the efforts of school districts ~~district~~ and schools,  
 1215 including charter schools, ~~school efforts and strategies to~~  
 1216 integrate ~~improve outcomes related to student performance by~~  
 1217 ~~integrating~~ technology in classroom teaching and learning to  
 1218 ensure students have access to high-quality electronic and  
 1219 digital instructional materials and resources, and empower  
 1220 classroom teachers to help their students succeed. Each school  
 1221 district shall receive a minimum digital classrooms allocation  
 1222 in the amount provided in the General Appropriations Act. The  
 1223 remaining balance of the digital classrooms allocation shall be  
 1224 allocated based on each school district's proportionate share of  
 1225 the state's total unweighted full-time equivalent student

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1226 enrollment.

1227 (b) Funds allocated under this subsection must be used for  
1228 costs associated with:

1229 1. Acquiring and maintaining the items on the eligible  
1230 services list authorized by the Universal Service Administrative  
1231 Company for the Schools and Libraries Program, more commonly  
1232 referred to as the federal E-rate program.

1233 2. Acquiring computer and device hardware and associated  
1234 operating system software that complies with the requirements of  
1235 s. 1001.20(4)(a)1.b.

1236 3. Providing professional development, including in-state  
1237 conference attendance or online coursework, to enhance the use  
1238 of technology for digital instructional strategies ~~The outcomes~~  
1239 ~~must be measurable and may also be unique to the needs of~~  
1240 ~~individual schools and school districts within the general~~  
1241 ~~parameters established by the Department of Education.~~

1242 ~~(b) Each district school board shall adopt a district~~  
1243 ~~digital classrooms plan that meets the unique needs of students,~~  
1244 ~~schools, and personnel and submit the plan for approval to the~~  
1245 ~~Department of Education. In addition, each district school board~~  
1246 ~~must, at a minimum, seek input from the district's~~  
1247 ~~instructional, curriculum, and information technology staff to~~  
1248 ~~develop the district digital classrooms plan. The district's~~  
1249 ~~plan must be within the general parameters established in the~~  
1250 ~~Florida digital classrooms plan pursuant to s. 1001.20. In~~

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1251 ~~addition, if the district participates in federal technology~~  
1252 ~~initiatives and grant programs, the district digital classrooms~~  
1253 ~~plan must include a plan for meeting requirements of such~~  
1254 ~~initiatives and grant programs. Funds allocated under this~~  
1255 ~~subsection must be used to support implementation of district~~  
1256 ~~digital classrooms plans. By October 1, 2014, and by March 1 of~~  
1257 ~~each year thereafter, on a date determined by the department,~~  
1258 ~~each district school board shall submit to the department, in a~~  
1259 ~~format prescribed by the department, a digital classrooms plan.~~  
1260 ~~At a minimum, such plan must include, and be annually updated to~~  
1261 ~~reflect, the following:~~

1262 ~~1. Measurable student performance outcomes. Outcomes~~  
1263 ~~related to student performance, including outcomes for students~~  
1264 ~~with disabilities, must be tied to the efforts and strategies to~~  
1265 ~~improve outcomes related to student performance by integrating~~  
1266 ~~technology in classroom teaching and learning. Results of the~~  
1267 ~~outcomes shall be reported at least annually for the current~~  
1268 ~~school year and subsequent 3 years and be accompanied by an~~  
1269 ~~independent evaluation and validation of the reported results.~~

1270 ~~2. Digital learning and technology infrastructure~~  
1271 ~~purchases and operational activities. Such purchases and~~  
1272 ~~activities must be tied to the measurable outcomes under~~  
1273 ~~subparagraph 1., including, but not limited to, connectivity,~~  
1274 ~~broadband access, wireless capacity, Internet speed, and data~~  
1275 ~~security, all of which must meet or exceed minimum requirements~~



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1276 ~~and protocols established by the department. For each year that~~  
1277 ~~the district uses funds for infrastructure, a third party,~~  
1278 ~~independent evaluation of the district's technology inventory~~  
1279 ~~and infrastructure needs must accompany the district's plan.~~

1280 ~~3. Professional development purchases and operational~~  
1281 ~~activities. Such purchases and activities must be tied to the~~  
1282 ~~measurable outcomes under subparagraph 1., including, but not~~  
1283 ~~limited to, using technology in the classroom and improving~~  
1284 ~~digital literacy and competency.~~

1285 ~~4. Digital tool purchases and operational activities. Such~~  
1286 ~~purchases and activities must be tied to the measurable outcomes~~  
1287 ~~under subparagraph 1., including, but not limited to,~~  
1288 ~~competency based credentials that measure and demonstrate~~  
1289 ~~digital competency and certifications; third party assessments~~  
1290 ~~that demonstrate acquired knowledge and use of digital~~  
1291 ~~applications; and devices that meet or exceed minimum~~  
1292 ~~requirements and protocols established by the department.~~

1293 ~~5. Online assessment related purchases and operational~~  
1294 ~~activities. Such purchases and activities must be tied to the~~  
1295 ~~measurable outcomes under subparagraph 1., including, but not~~  
1296 ~~limited to, expanding the capacity to administer assessments and~~  
1297 ~~compatibility with minimum assessment protocols and requirements~~  
1298 ~~established by the department.~~

1299 ~~(c) The Legislature shall annually provide in the General~~  
1300 ~~Appropriations Act the FEFP allocation for implementation of the~~

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1301 ~~Florida digital classrooms plan to be calculated in an amount up~~  
 1302 ~~to 1 percent of the base student allocation multiplied by the~~  
 1303 ~~total K-12 full-time equivalent student enrollment included in~~  
 1304 ~~the FEFP calculations for the legislative appropriation or as~~  
 1305 ~~provided in the General Appropriations Act. Each school district~~  
 1306 ~~shall be provided a minimum of \$250,000, with the remaining~~  
 1307 ~~balance of the allocation to be distributed based on each~~  
 1308 ~~district's proportion of the total K-12 full-time equivalent~~  
 1309 ~~student enrollment. Distribution of funds for the Florida~~  
 1310 ~~digital classrooms allocation shall begin following submittal of~~  
 1311 ~~each district's digital classrooms plan, which must include~~  
 1312 ~~formal verification of the superintendent's approval of the~~  
 1313 ~~digital classrooms plan of each charter school in the district,~~  
 1314 ~~and approval of the plan by the department. Prior to the~~  
 1315 ~~distribution of the Florida digital classrooms allocation funds,~~  
 1316 ~~each district school superintendent shall certify to the~~  
 1317 ~~Commissioner of Education that the district school board has~~  
 1318 ~~approved a comprehensive district digital classrooms plan that~~  
 1319 ~~supports the fidelity of implementation of the Florida digital~~  
 1320 ~~classrooms allocation. District allocations shall be~~  
 1321 ~~recalculated during the fiscal year consistent with the periodic~~  
 1322 ~~recalculation of the FEFP. School districts shall provide a~~  
 1323 ~~proportionate share of the digital classrooms allocation to each~~  
 1324 ~~charter school in the district, as required for categorical~~  
 1325 ~~programs in s. 1002.33(17) (b). A school district may use a~~

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1326 ~~competitive process to distribute funds for the Florida digital~~  
1327 ~~classrooms allocation to the schools within the school district.~~

1328 ~~(d) To facilitate the implementation of the district~~  
1329 ~~digital classrooms plans and charter school digital classrooms~~  
1330 ~~plans, the commissioner shall support statewide, coordinated~~  
1331 ~~partnerships and efforts of this state's education practitioners~~  
1332 ~~in the field, including, but not limited to, superintendents,~~  
1333 ~~principals, and teachers, to identify and share best practices,~~  
1334 ~~corrective actions, and other identified needs.~~

1335 ~~(e) Beginning in the 2015-2016 fiscal year and each year~~  
1336 ~~thereafter, each district school board shall report to the~~  
1337 ~~department its use of funds provided through the Florida digital~~  
1338 ~~classrooms allocation and student performance outcomes in~~  
1339 ~~accordance with the district's digital classrooms plan. The~~  
1340 ~~department may contract with an independent third party entity~~  
1341 ~~to conduct an annual independent verification of the district's~~  
1342 ~~use of Florida digital classrooms allocation funds in accordance~~  
1343 ~~with the district's digital classrooms plan. In the event an~~  
1344 ~~independent third-party verification is not conducted, the~~  
1345 ~~Auditor General shall, during scheduled operational audits of~~  
1346 ~~the school districts, verify compliance of the use of Florida~~  
1347 ~~digital classrooms allocation funds in accordance with the~~  
1348 ~~district's digital classrooms plan. No later than October 1 of~~  
1349 ~~each year, beginning in the 2015-2016 fiscal year, the~~  
1350 ~~commissioner shall provide to the Governor, the President of the~~

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1351 ~~Senate, and the Speaker of the House of Representatives a~~  
 1352 ~~summary of each district's use of funds, student performance~~  
 1353 ~~outcomes, and progress toward meeting statutory requirements and~~  
 1354 ~~timelines.~~

1355 ~~(f) Each school district shall provide teachers,~~  
 1356 ~~administrators, students, and parents with access to:~~

1357 ~~1. Instructional materials in digital or electronic~~  
 1358 ~~format, as defined in s. 1006.29.~~

1359 ~~2. Digital materials, including those digital materials~~  
 1360 ~~that enable students to earn certificates and industry~~  
 1361 ~~certifications pursuant to ss. 1003.4203 and 1008.44.~~

1362 ~~3. Teaching and learning tools and resources, including~~  
 1363 ~~the ability for teachers and administrators to manage, assess,~~  
 1364 ~~and monitor student performance data.~~

1365 ~~(g) For the 2016-2017 fiscal year, notwithstanding~~  
 1366 ~~paragraph (c), each school district shall be provided a minimum~~  
 1367 ~~of \$500,000, with the remaining balance of the allocation to be~~  
 1368 ~~distributed based on each district's proportion of the total K-~~  
 1369 ~~12 full-time equivalent enrollment. Each district's digital~~  
 1370 ~~classrooms allocation plan must give preference to funding the~~  
 1371 ~~number of devices that comply with the requirements of s.~~  
 1372 ~~1001.20(4)(a)1.b. and that are needed to allow each school to~~  
 1373 ~~administer the Florida Standards Assessments to an entire grade~~  
 1374 ~~at the same time. If the district's digital classrooms~~  
 1375 ~~allocation plan does not include the purchase of devices, the~~

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1376 ~~district must certify in the plan that the district currently~~  
 1377 ~~has sufficient devices to allow each school to administer the~~  
 1378 ~~Florida Standards Assessments in the manner described in this~~  
 1379 ~~paragraph. This paragraph expires July 1, 2017.~~

1380 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally  
 1381 connected student supplement is created to provide supplemental  
 1382 funding for school districts to support the education of  
 1383 students connected with federally owned military installations,  
 1384 National Aeronautics and Space Administration (NASA) real  
 1385 property, and Indian lands. To be eligible for this supplement,  
 1386 the district must be eligible for federal Impact Aid Program  
 1387 funds under s. 8003 of Title VIII of the Elementary and  
 1388 Secondary Education Act of 1965. The supplement shall be  
 1389 allocated annually to each eligible school district in the  
 1390 ~~amount provided in the~~ General Appropriations Act. The  
 1391 supplement shall be the sum of the student allocation and an  
 1392 exempt property allocation.

1393 (a) The student allocation shall be calculated based on  
 1394 the number of students reported for federal Impact Aid Program  
 1395 funds, including students with disabilities, who meet one of the  
 1396 following criteria:

1397 1. The student has a parent who is on active duty in the  
 1398 uniformed services or is an accredited foreign government  
 1399 official and military officer. Students with disabilities shall  
 1400 also be reported separately for this category.

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1401           2. The student resides on eligible federally owned Indian  
 1402 land. Students with disabilities shall also be reported  
 1403 separately for this category.

1404           3. The student resides with a civilian parent who lives or  
 1405 works on eligible federal property connected with a military  
 1406 installation or NASA. The number of these students shall be  
 1407 multiplied by a factor of 0.5.

1408           (b) The total number of federally connected students  
 1409 calculated under paragraph (a) shall be multiplied by a  
 1410 percentage of the base student allocation as provided in the  
 1411 General Appropriations Act. The total of the number of students  
 1412 with disabilities as reported separately under subparagraphs  
 1413 (a)1. and 2. shall be multiplied by an additional percentage of  
 1414 the base student allocation as provided in the General  
 1415 Appropriations Act. The base amount and the amount for students  
 1416 with disabilities shall be summed to provide the student  
 1417 allocation.

1418           (c) The exempt property allocation shall be equal to the  
 1419 tax-exempt value of federal impact aid lands reserved as  
 1420 military installations, real property owned by NASA, or eligible  
 1421 federally owned Indian lands located in the district, ~~as of~~  
 1422 ~~January 1 of the previous year,~~ multiplied by the millage  
 1423 authorized and levied under s. 1011.71(2).

1424           (d) The amount allocated for each eligible school district  
 1425 shall be recalculated during the year using actual student

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1426 membership, as amended, from the most recent February survey and  
 1427 the tax-exempt valuation from the most recent assessment roll.  
 1428 Upon recalculation, if the total allocation is greater than the  
 1429 amount provided in the General Appropriations Act, it must be  
 1430 prorated to the level of the appropriation based on each  
 1431 district's share of the total recalculated amount.

1432 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may  
 1433 annually in the General Appropriations Act determine a  
 1434 percentage increase in funds per K-12 unweighted FTE as a  
 1435 minimum guarantee to each school district. The guarantee shall  
 1436 be calculated from prior year base funding per unweighted FTE  
 1437 student which shall include the adjusted FTE dollars as provided  
 1438 in subsection (16) ~~(15)~~, quality guarantee funds, and actual  
 1439 nonvoted discretionary local effort from taxes. From the base  
 1440 funding per unweighted FTE, the increase shall be calculated for  
 1441 the current year. The current year funds from which the  
 1442 guarantee shall be determined shall include the adjusted FTE  
 1443 dollars as provided in subsection (16) ~~(15)~~ and potential  
 1444 nonvoted discretionary local effort from taxes. A comparison of  
 1445 current year funds per unweighted FTE to prior year funds per  
 1446 unweighted FTE shall be computed. For those school districts  
 1447 which have less than the legislatively assigned percentage  
 1448 increase, funds shall be provided to guarantee the assigned  
 1449 percentage increase in funds per unweighted FTE student. Should  
 1450 appropriated funds be less than the sum of this calculated

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1451 amount for all districts, the commissioner shall prorate each  
 1452 district's allocation. This provision shall be implemented to  
 1453 the extent specifically funded.

1454 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is  
 1455 created to provide funding to assist school districts in their  
 1456 compliance with ss. 1006.07-1006.148, with priority given to  
 1457 establishing a school resource officer program pursuant to s.  
 1458 1006.12. Each school district shall receive a minimum safe  
 1459 schools allocation in an amount provided in the General  
 1460 Appropriations Act. Of the remaining balance of the safe schools  
 1461 allocation, two-thirds shall be allocated to school districts  
 1462 based on the most recent official Florida Crime Index provided  
 1463 by the Department of Law Enforcement and one-third shall be  
 1464 allocated based on each school district's proportionate share of  
 1465 the state's total unweighted full-time equivalent student  
 1466 enrollment.

1467 ~~(16)~~ ~~(15)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
 1468 FOR CURRENT OPERATION.—The total annual state allocation to each  
 1469 district for current operation for the FEFP shall be distributed  
 1470 periodically in the manner prescribed in the General  
 1471 Appropriations Act.

1472 (b) The amount thus obtained shall be the net annual  
 1473 allocation to each school district. However, if it is determined  
 1474 that any school district received an under allocation or over  
 1475 allocation ~~underallocation or overallocation~~ for any prior year



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1476 | because of an arithmetical error, assessment roll change  
 1477 | required by final judicial decision, full-time equivalent  
 1478 | student membership error, or any allocation error revealed in an  
 1479 | audit report, the allocation to that district shall be  
 1480 | appropriately adjusted. An under allocation in a prior year  
 1481 | caused by a school district's error may not be the basis for a  
 1482 | positive allocation adjustment for the current year. Beginning  
 1483 | with the 2011-2012 fiscal year, if a special program cost factor  
 1484 | is less than the basic program cost factor, an audit adjustment  
 1485 | may not result in the reclassification of the special program  
 1486 | FTE to the basic program FTE. If the Department of Education  
 1487 | audit adjustment recommendation is based upon controverted  
 1488 | findings of fact, the Commissioner of Education is authorized to  
 1489 | establish the amount of the adjustment based on the best  
 1490 | interests of the state.

1491 |       Section 5. Section 1013.738, Florida Statutes, is amended  
 1492 | to read:

1493 |       1013.738 High Growth District Capital Outlay Assistance  
 1494 | Grant Program.—

1495 |       (1) Subject to funds provided in the General  
 1496 | Appropriations Act, the High Growth District Capital Outlay  
 1497 | Assistance Grant Program is hereby established. Funds provided  
 1498 | pursuant to this section may only be used for the purposes  
 1499 | identified in s. 1011.71(2) to construct new student stations.

1500 |       (2) In order to qualify for a grant, a school district

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1501 must meet the following criteria:

1502 (a) The district must have levied the maximum ~~full 1.5~~  
 1503 mills of nonvoted discretionary capital outlay millage  
 1504 authorized in s. 1011.71(2) for each of the prior 5 ~~past 4~~  
 1505 fiscal years.

1506 (b) The district must receive revenue from a current voted  
 1507 school capital outlay sales surtax or a portion of the local  
 1508 government infrastructure surtax as authorized in s. 212.055.

1509 (c) ~~(b)~~ ~~Fifty percent of~~ The revenue derived from the ~~2-~~  
 1510 ~~mill~~ nonvoted discretionary capital outlay millage ~~for the past~~  
 1511 ~~4 fiscal years~~, when divided by the district's ~~growth in~~ capital  
 1512 outlay FTE students ~~over this period~~, produces a value that is  
 1513 less than the statewide average maximum potential funds cost ~~cost~~ per  
 1514 capital outlay FTE student station ~~calculated pursuant to s.~~  
 1515 ~~1013.64(6) (b)1., and weighted by statewide growth in capital~~  
 1516 ~~outlay FTE students in elementary, middle, and high schools for~~  
 1517 the most recent past 4 fiscal year ~~years~~.

1518 (d) ~~(e)~~ The district must have equaled or exceeded the  
 1519 greater of 1 percent average growth or twice the statewide  
 1520 average of growth in capital outlay FTE students over the prior  
 1521 5-year ~~this same 4-year~~ period.

1522 ~~(d) The Commissioner of Education must have released all~~  
 1523 ~~funds allocated to the district from the Classrooms First~~  
 1524 ~~Program authorized in s. 1013.68, and these funds were fully~~  
 1525 ~~expended by the district as of February 1 of the current fiscal~~

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1526 ~~year.~~

1527 (e) The total capital outlay FTE students of the district

1528 is greater than 24,000 ~~15,000~~ students.

1529 (3) The funds provided in the General Appropriations Act

1530 shall be allocated pursuant to the following methodology:

1531 (a) For each eligible district, the Department of

1532 Education shall sum ~~calculate~~ the calculated ~~value of 50 percent~~

1533 ~~of the~~ revenue ~~derived from the~~ maximum potential 2-mill

1534 nonvoted discretionary capital outlay millage and the revenue

1535 received from the voted sales surtax as provided in paragraph

1536 (2) (b) and divide that sum for the past 4 fiscal years divided

1537 by the number of ~~increase in~~ capital outlay FTE students for the

1538 same period.

1539 (b) The Department of Education shall determine, for each

1540 eligible district, the amount that must be added to the funds

1541 per capital outlay FTE ~~value~~ calculated pursuant to paragraph

1542 (a) to produce the statewide ~~weighted~~ average value per capital

1543 outlay FTE for the revenues identified ~~student station~~

1544 ~~calculated~~ pursuant to paragraph (a) ~~(2) (b)~~.

1545 (c) The value calculated for each eligible district

1546 pursuant to paragraph (b) shall be ~~multiplied by the average~~

1547 ~~increase in capital outlay FTE students for the past 4 fiscal~~

1548 ~~years to determine~~ the maximum amount of a grant that may be

1549 awarded to a district pursuant to this section.

1550 (d) In the event the funds provided ~~in the General~~

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1551 ~~Appropriations Act~~ are insufficient to fully fund the maximum  
 1552 grants calculated pursuant to this section ~~paragraph (c)~~, the  
 1553 Department of Education shall allocate the funds based on each  
 1554 district's prorated share of the total maximum award amount  
 1555 calculated for all eligible districts.

1556 Section 6. Paragraph (b) of subsection (3) of section  
 1557 1011.78, Florida Statutes, is amended to read:

1558 1011.78 Standard student attire incentive payments.—There  
 1559 is created an incentive payment for school districts and charter  
 1560 schools that implement a standard student attire policy for all  
 1561 students in kindergarten through grade 8 in accordance with this  
 1562 section.

1563 (3) QUALIFICATIONS.—To qualify for the incentive payment,  
 1564 a school district or charter school must, at a minimum,  
 1565 implement a standard attire policy that:

1566 (b) Prohibits certain types or styles of clothing ~~and~~  
 1567 ~~requires solid-colored clothing and fabrics for pants, skirts,~~  
 1568 ~~shorts, or similar clothing and short- or long-sleeved shirts~~  
 1569 ~~with collars.~~

1570 Section 7. Section 1003.631, Florida Statutes, is created  
 1571 to read:

1572 1003.631 Schools of Excellence.—The Schools of Excellence  
 1573 Program is established to provide administrative flexibility to  
 1574 the state's top schools so that the instructional personnel and  
 1575 administrative staff at such schools can continue to serve their

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1576 | communities and increase student learning to the best of their  
 1577 | professional ability.

1578 | (1) DESIGNATION.—

1579 | (a) The State Board of Education shall designate a school  
 1580 | as a School of Excellence if the school's percentage of possible  
 1581 | points earned in its school grade calculation is in the 80th  
 1582 | percentile or higher for schools comprised of the same grade  
 1583 | groupings, including elementary schools, middle schools, high  
 1584 | schools, and schools with a combination of grade levels, for at  
 1585 | least 2 of the last 3 school years. The school must have data  
 1586 | for each applicable school grade component pursuant to s.  
 1587 | 1008.34(3) to be eligible for designation as a School of  
 1588 | Excellence. A qualifying school shall retain the designation as  
 1589 | a School of Excellence for up to 3 years, at the end of which  
 1590 | time the school may renew the designation, if:

1591 | 1. The school was in the 80th percentile or higher  
 1592 | pursuant to this subsection for 2 of the previous 3 years; and

1593 | 2. The school did not receive a school grade lower than  
 1594 | "B" pursuant to s. 1008.34 during any of the previous 3 years.

1595 | (b) A school that earns a school grade lower than "B"  
 1596 | pursuant to s. 1008.34 during the 3-year period may not continue  
 1597 | to be designated as a School of Excellence during the remainder  
 1598 | of that 3-year period and loses the administrative flexibilities  
 1599 | provided in subsection (2).

1600 | (2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence

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1601 must be provided the following administrative flexibilities:

1602 (a) Exemption from any provision of law or rule that  
 1603 expressly requires a minimum period of daily or weekly  
 1604 instruction in reading.

1605 (b) Principal autonomy as provided under s. 1012.28(8).

1606 (c) For instructional personnel, the substitution of 1  
 1607 school year of employment at a School of Excellence for 20  
 1608 inservice points toward the renewal of a professional  
 1609 certificate, up to 60 inservice points in a 5-year cycle,  
 1610 pursuant to s. 1012.585(3).

1611 (d) Exemption from compliance with district policies or  
 1612 procedures that establish times for the start and completion of  
 1613 the school day.

1614 (e) Calculation for compliance with maximum class size  
 1615 pursuant to s. 1003.03(4) based on the average number of  
 1616 students at the school level.

1617 Section 8. Paragraph (c) of subsection (8) of section  
 1618 1012.56, Florida Statutes, is redesignated as paragraph (d),  
 1619 subsections (1) and (7), and paragraph (a) of subsection (8) are  
 1620 amended, and a new paragraph (c) is added to subsection (8) of  
 1621 that section, to read:

1622 1012.56 Educator certification requirements.—

1623 (1) APPLICATION.—Each person seeking certification  
 1624 pursuant to this chapter shall submit a completed application  
 1625 containing the applicant's social security number to the

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1626 Department of Education and remit the fee required pursuant to  
 1627 s. 1012.59 and rules of the State Board of Education. Pursuant  
 1628 to the federal Personal Responsibility and Work Opportunity  
 1629 Reconciliation Act of 1996, each party is required to provide  
 1630 his or her social security number in accordance with this  
 1631 section. Disclosure of social security numbers obtained through  
 1632 this requirement is limited to the purpose of administration of  
 1633 the Title IV-D program of the Social Security Act for child  
 1634 support enforcement.

1635 (a) Pursuant to s. 120.60, the department shall issue  
 1636 within 90 calendar days after receipt ~~the stamped receipted date~~  
 1637 of the completed application.

1638 ~~(a) If the applicant meets the requirements,~~ a professional  
 1639 certificate to a qualifying applicant covering the  
 1640 classification, level, and area for which the applicant is  
 1641 deemed qualified and a document explaining the requirements for  
 1642 renewal of the professional certificate.

1643 (b) The department shall issue a temporary certificate to  
 1644 a qualifying applicant within 14 calendar days after receipt of  
 1645 a request from ~~if the applicant meets the requirements and if~~  
 1646 ~~requested by an employer employing school district or an~~  
 1647 ~~employing private school~~ with a professional education  
 1648 competence demonstration program pursuant to paragraphs (6) (f)  
 1649 and (8) (b). ~~The,~~ a temporary certificate must cover ~~covering~~ the  
 1650 classification, level, and area for which the applicant is

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1651 deemed qualified. The department shall electronically notify the  
 1652 applicant's employer that the temporary certificate has been  
 1653 issued and provide the applicant an official statement of status  
 1654 of eligibility at the time the certificate is issued. ~~and an~~  
 1655 ~~official statement of status of eligibility; or~~

1656 (c) Pursuant to s. 120.60, the department shall issue  
 1657 within 90 calendar days after receipt of the completed  
 1658 application, if an applicant does not meet the requirements for  
 1659 either certificate, an official statement of status of  
 1660 eligibility.

1661  
 1662 The statement of status of eligibility must be provided  
 1663 electronically and must advise the applicant of any  
 1664 qualifications that must be completed to qualify for  
 1665 certification. Each method by which an applicant can complete  
 1666 the qualifications for a professional certificate must be  
 1667 included in the statement of status of eligibility. Each  
 1668 statement of status of eligibility is valid for 3 years after  
 1669 its date of issuance, except as provided in paragraph (2) (d).

1670 (7) TYPES AND TERMS OF CERTIFICATION.—

1671 (a) The Department of Education shall issue a professional  
 1672 certificate for a period not to exceed 5 years to any applicant  
 1673 who fulfills one of the following:

- 1674 1. Meets all the requirements outlined in subsection (2).  
 1675 2. ~~or,~~ For a professional certificate covering grades 6



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1676 through 12, ~~any applicant who:~~

1677     ~~a.1.~~ Meets the requirements of paragraphs (2) (a)-(h).

1678     ~~b.2.~~ Holds a master's or higher degree in the area of

1679 science, technology, engineering, or mathematics.

1680     ~~c.3.~~ Teaches a high school course in the subject of the

1681 advanced degree.

1682     ~~d.4.~~ Is rated highly effective as determined by the

1683 teacher's performance evaluation under s. 1012.34, based in part

1684 on student performance as measured by a statewide, standardized

1685 assessment or an Advanced Placement, Advanced International

1686 Certificate of Education, or International Baccalaureate

1687 examination.

1688     ~~e.5.~~ Achieves a passing score on the Florida professional

1689 education competency examination required by state board rule.

1690     3. Meets the requirements of paragraphs (2) (a)-(h) and

1691 completes a professional preparation and education competence

1692 program approved by the department pursuant to paragraph (8) (c).

1693 An applicant who completes the program and is rated highly

1694 effective as determined by his or her performance evaluation

1695 under s. 1012.34 is not required to take or achieve a passing

1696 score on the professional education competency examination in

1697 order to be awarded a professional certificate.

1698     (b) The department shall issue a temporary certificate to

1699 any applicant who completes the requirements outlined in

1700 paragraphs (2) (a)-(f) and completes the subject area content

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1701 requirements specified in state board rule or demonstrates  
 1702 mastery of subject area knowledge pursuant to subsection (5) and  
 1703 holds an accredited degree or a degree approved by the  
 1704 Department of Education at the level required for the subject  
 1705 area specialization in state board rule.

1706 (c) The department shall issue one nonrenewable 2-year  
 1707 temporary certificate and one nonrenewable 5-year professional  
 1708 certificate to a qualified applicant who holds a bachelor's  
 1709 degree in the area of speech-language impairment to allow for  
 1710 completion of a master's degree program in speech-language  
 1711 impairment.

1712  
 1713 Each temporary certificate is valid for 3 school fiscal years  
 1714 and is nonrenewable. However, the requirement in paragraph  
 1715 (2) (g) must be met within 1 calendar year of the date of  
 1716 employment under the temporary certificate. Individuals who are  
 1717 employed under contract at the end of the 1 calendar year time  
 1718 period may continue to be employed through the end of the school  
 1719 year in which they have been contracted. A school district shall  
 1720 not employ, or continue the employment of, an individual in a  
 1721 position for which a temporary certificate is required beyond  
 1722 this time period if the individual has not met the requirement  
 1723 of paragraph (2) (g). At least 1 year before an individual's  
 1724 temporary certificate is set to expire, the department shall  
 1725 electronically notify the individual of the date on which his or

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1726 her certificate will expire and provide a list of each method by  
 1727 which the qualifications for a professional certificate can be  
 1728 completed. The State Board of Education shall adopt rules to  
 1729 allow the department to extend the validity period of a  
 1730 temporary certificate for 2 years when the requirements for the  
 1731 professional certificate, not including the requirement in  
 1732 paragraph (2)(g), were not completed due to the serious illness  
 1733 or injury of the applicant or other extraordinary extenuating  
 1734 circumstances or for 1 year if the temporary certificateholder  
 1735 is rated effective or highly effective based solely on a student  
 1736 learning growth formula approved by the Commissioner of  
 1737 Education pursuant to s. 1012.34(8). The department shall  
 1738 reissue the temporary certificate for 2 additional years upon  
 1739 approval by the Commissioner of Education. A written request for  
 1740 reissuance of the certificate shall be submitted by the district  
 1741 school superintendent, the governing authority of a university  
 1742 lab school, the governing authority of a state-supported school,  
 1743 or the governing authority of a private school.

1744 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
 1745 COMPETENCY PROGRAM.—

1746 (a) The Department of Education shall develop and each  
 1747 school district, charter school, and charter management  
 1748 organization may provide a cohesive competency-based  
 1749 professional development certification and education competency  
 1750 program by which ~~members of a school district's~~ instructional

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1751 staff may satisfy the mastery of professional preparation and  
 1752 education competence requirements specified in subsection (6)  
 1753 and rules of the State Board of Education. Participants must  
 1754 hold a state-issued temporary certificate. A school district,  
 1755 charter school, or charter management organization that  
 1756 implements the program shall provide a competency-based  
 1757 certification program developed by the Department of Education  
 1758 or developed by the district, charter school, or charter  
 1759 management organization and approved by the Department of  
 1760 Education. The program shall include the following:

- 1761 1. A minimum period of initial preparation before assuming  
 1762 duties as the teacher of record.
- 1763 2. An option for collaboration with ~~between school~~  
 1764 ~~districts and~~ other supporting agencies or educational entities  
 1765 for implementation.
- 1766 3. A teacher mentorship and induction ~~An experienced peer-~~  
 1767 ~~mentor~~ component.
  - 1768 a. Each individual selected by the district as a ~~peer~~  
 1769 mentor:
    - 1770 I. Must hold a valid professional certificate issued  
 1771 pursuant to this section;~~;~~
    - 1772 II. Must have earned at least 3 years of teaching  
 1773 experience in prekindergarten through grade 12;~~;~~and
    - 1774 III. Must have completed specialized training in clinical  
 1775 supervision and participate in ongoing mentor training provided

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1776 through the coordinated system of professional development under  
 1777 s. 1012.98(3)(e);

1778 IV. Must have earned an effective or highly effective  
 1779 rating on the prior year's performance evaluation under s.  
 1780 1012.34; and

1781 V. May ~~or~~ be a peer evaluator under the district's  
 1782 evaluation system approved under s. 1012.34.

1783 b. The teacher mentorship and induction component must, at  
 1784 a minimum, provide weekly opportunities for mentoring and  
 1785 induction activities, including common planning time, ongoing  
 1786 professional development targeted to a teacher's needs,  
 1787 opportunities for a teacher to observe other teachers, co-  
 1788 teaching experiences, and reflection and followup discussions.  
 1789 Mentorship and induction activities must be provided for an  
 1790 applicant's first year in the program and may be provided until  
 1791 the applicant attains his or her professional certificate in  
 1792 accordance with this section. A principal who is rated highly  
 1793 effective as determined by his or her performance evaluation  
 1794 under s. 1012.34 must be provided flexibility in selecting  
 1795 professional development activities under this paragraph;  
 1796 however, the activities must be approved by the department as  
 1797 part of the district's, charter school's, or charter management  
 1798 organization's program.

1799 4. An assessment of teaching performance aligned to the  
 1800 district's system for personnel evaluation under s. 1012.34

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1801 | which provides for:

1802 |       a. An initial evaluation of each educator's competencies  
1803 | to determine an appropriate individualized professional  
1804 | development plan.

1805 |       b. A summative evaluation to assure successful completion  
1806 | of the program.

1807 |       5. Professional education preparation content knowledge,  
1808 | which must be included in the mentoring and induction activities  
1809 | under subparagraph 3., that includes, but is not limited to, the  
1810 | following:

1811 |       a. The state standards provided under s. 1003.41,  
1812 | including scientifically based reading instruction, content  
1813 | literacy, and mathematical practices, for each subject  
1814 | identified on the temporary certificate.

1815 |       b. The educator-accomplished practices approved by the  
1816 | state board.

1817 |       c. A variety of data indicators for monitoring student  
1818 | progress.

1819 |       d. Methodologies for teaching students with disabilities.

1820 |       e. Methodologies for teaching students of limited English  
1821 | proficiency appropriate for each subject area identified on the  
1822 | temporary certificate.

1823 |       f. Techniques and strategies for operationalizing the role  
1824 | of the teacher in assuring a safe learning environment for  
1825 | students.

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1826           6. Required achievement of passing scores on the subject  
 1827 area and professional education competency examination required  
 1828 by State Board of Education rule. Mastery of general knowledge  
 1829 must be demonstrated as described in subsection (3).

1830           (c) No later than December 31, 2017, the department shall  
 1831 adopt standards for the approval of professional development  
 1832 certification and education competency programs, including  
 1833 standards for the teacher mentorship and induction component,  
 1834 under paragraph (a). Standards for the teacher mentorship and  
 1835 induction component must include program administration and  
 1836 evaluation; mentor roles, selection, and training; beginning  
 1837 teacher assessment and professional development; and teacher  
 1838 content knowledge and practices aligned to the Florida Educator  
 1839 Accomplished Practices. Each school district or charter school  
 1840 with a program under this subsection must submit its program,  
 1841 including the teacher mentorship and induction component, to the  
 1842 department for approval no later than June 30, 2018. After  
 1843 December 31, 2018, a teacher may not satisfy requirements for a  
 1844 professional certificate through a professional development  
 1845 certification and education competency program under paragraph  
 1846 (a) unless the program has been approved by the department  
 1847 pursuant to this paragraph.

1848           Section 9. Paragraph (b) of subsection (2) of section  
 1849 1004.04, Florida Statutes, is amended to read:

1850           1004.04 Public accountability and state approval for

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1851 teacher preparation programs.—

1852 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

1853 (b) The rules to establish uniform core curricula for each  
 1854 state-approved teacher preparation program must include, but are  
 1855 not limited to, the following:

1856 1. The Florida Educator Accomplished Practices.

1857 2. The state-adopted content standards.

1858 3. Scientifically researched and evidence-based reading  
 1859 instructional strategies that improve reading performance for  
 1860 all students, including explicit, systematic, and sequential  
 1861 approaches to teaching phonemic awareness, phonics, vocabulary,  
 1862 fluency, and text comprehension and multisensory intervention  
 1863 strategies ~~instruction~~.

1864 4. Content literacy and mathematics practices.

1865 5. Strategies appropriate for the instruction of English  
 1866 language learners.

1867 6. Strategies appropriate for the instruction of students  
 1868 with disabilities.

1869 7. School safety.

1870 Section 10. Paragraph (a) of subsection (3) of section  
 1871 1004.85, Florida Statutes, is amended to read:

1872 1004.85 Postsecondary educator preparation institutes.—

1873 (3) Educator preparation institutes approved pursuant to  
 1874 this section may offer competency-based certification programs  
 1875 specifically designed for noneducation major baccalaureate



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1876 degree holders to enable program participants to meet the  
 1877 educator certification requirements of s. 1012.56. An educator  
 1878 preparation institute choosing to offer a competency-based  
 1879 certification program pursuant to the provisions of this section  
 1880 must implement a program previously approved by the Department  
 1881 of Education for this purpose or a program developed by the  
 1882 institute and approved by the department for this purpose.  
 1883 Approved programs shall be available for use by other approved  
 1884 educator preparation institutes.

1885 (a) Within 90 days after receipt of a request for  
 1886 approval, the Department of Education shall approve a  
 1887 preparation program pursuant to the requirements of this  
 1888 subsection or issue a statement of the deficiencies in the  
 1889 request for approval. The department shall approve a  
 1890 certification program if the institute provides evidence of the  
 1891 institute's capacity to implement a competency-based program  
 1892 that includes each of the following:

1893 1.a. Participant instruction and assessment in the Florida  
 1894 Educator Accomplished Practices.

1895 b. The state-adopted student content standards.

1896 c. Scientifically researched and evidence-based reading  
 1897 instructional strategies that improve reading performance for  
 1898 all students, including explicit, systematic, and sequential  
 1899 approaches to teaching phonemic awareness, phonics, vocabulary,  
 1900 fluency, and text comprehension and multisensory intervention

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1901 strategies ~~instruction~~.

1902       d. Content literacy and mathematical practices.

1903       e. Strategies appropriate for instruction of English

1904 language learners.

1905       f. Strategies appropriate for instruction of students with

1906 disabilities.

1907       g. School safety.

1908       2. An educational plan for each participant to meet

1909 certification requirements and demonstrate his or her ability to

1910 teach the subject area for which the participant is seeking

1911 certification, which is based on an assessment of his or her

1912 competency in the areas listed in subparagraph 1.

1913       3. Field experiences appropriate to the certification

1914 subject area specified in the educational plan with a diverse

1915 population of students in a variety of settings under the

1916 supervision of qualified educators.

1917       4. A certification ombudsman to facilitate the process and

1918 procedures required for participants who complete the program to

1919 meet any requirements related to the background screening

1920 pursuant to s. 1012.32 and educator professional or temporary

1921 certification pursuant to s. 1012.56.

1922       Section 11. Paragraph (a) of subsection (3) of section

1923 1012.585, Florida Statutes, is amended, and paragraph (f) is

1924 added to that subsection, to read:

1925       1012.585 Process for renewal of professional

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1926 certificates.—

1927         (3) For the renewal of a professional certificate, the

1928 following requirements must be met:

1929         (a) The applicant must earn a minimum of 6 college credits

1930 or 120 inservice points or a combination thereof. For each area

1931 of specialization to be retained on a certificate, the applicant

1932 must earn at least 3 of the required credit hours or equivalent

1933 inservice points in the specialization area. Education in

1934 "clinical educator" training pursuant to s. 1004.04(5)(b);

1935 participation in mentorship and induction activities, including

1936 as a mentor, pursuant to s. 1012.56(8)(a); and credits or points

1937 that provide training in the area of scientifically researched,

1938 knowledge-based reading literacy, including explicit,

1939 systematic, and sequential approaches to reading instruction,

1940 developing phonemic awareness, and implementing multisensory

1941 intervention strategies, and computational skills acquisition,

1942 exceptional student education, normal child development, and the

1943 disorders of development may be applied toward any

1944 specialization area. Credits or points that provide training in

1945 the areas of drug abuse, child abuse and neglect, strategies in

1946 teaching students having limited proficiency in English, or

1947 dropout prevention, or training in areas identified in the

1948 educational goals and performance standards adopted pursuant to

1949 ss. 1000.03(5) and 1008.345 may be applied toward any

1950 specialization area, except specialization areas identified by

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1951 State Board of Education rule that include reading instruction  
 1952 or intervention for any students in kindergarten through grade  
 1953 6. Credits or points earned through approved summer institutes  
 1954 may be applied toward the fulfillment of these requirements.  
 1955 Inservice points may also be earned by participation in  
 1956 professional growth components approved by the State Board of  
 1957 Education and specified pursuant to s. 1012.98 in the district's  
 1958 approved master plan for inservice educational training;  
 1959 however, such points may not be used to satisfy the  
 1960 specialization requirements of this paragraph, including, but  
 1961 not limited to, serving as a trainer in an approved teacher  
 1962 training activity, serving on an instructional materials  
 1963 committee or a state board or commission that deals with  
 1964 educational issues, or serving on an advisory council created  
 1965 pursuant to s. 1001.452.

1966 (f) An applicant for renewal of a professional certificate  
 1967 in any area of certification identified by State Board of  
 1968 Education rule that includes reading instruction or intervention  
 1969 for any students in kindergarten through grade 6, with a  
 1970 beginning validity date of July 1, 2020, or thereafter, must  
 1971 earn a minimum of 2 college credits or the equivalent inservice  
 1972 points in the use of explicit, systematic, and sequential  
 1973 approaches to reading instruction, developing phonemic  
 1974 awareness, and implementing multisensory intervention  
 1975 strategies. Such training must be provided by teacher

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1976 | preparation programs under s. 1004.04 or s. 1004.85 or approved  
 1977 | school district professional development systems under s.  
 1978 | 1012.98. The requirements in this paragraph may not add to the  
 1979 | total hours required by the department for continuing education  
 1980 | or inservice training.

1981 | Section 12. Subsection (1) of section 1012.586, Florida  
 1982 | Statutes, is amended to read:

1983 | 1012.586 Additions or changes to certificates; duplicate  
 1984 | certificates.—A school district may process via a Department of  
 1985 | Education website certificates for the following applications of  
 1986 | public school employees:

1987 | (1) Addition of a subject coverage or endorsement to a  
 1988 | valid Florida certificate on the basis of the completion of the  
 1989 | appropriate subject area testing requirements of s.  
 1990 | 1012.56(5) (a) or the completion of the requirements of an  
 1991 | approved school district program or the inservice components for  
 1992 | an endorsement.

1993 | (a) To reduce duplication, the department may recommend  
 1994 | the consolidation of endorsement areas and requirements to the  
 1995 | State Board of Education.

1996 | (b) By July 1, 2018, and at least once every 5 years  
 1997 | thereafter, the department shall conduct a review of existing  
 1998 | subject coverage or endorsement requirements in the elementary,  
 1999 | reading, and exceptional student educational areas. The review  
 2000 | must include reciprocity requirements for out-of-state

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2001 certificates and requirements for demonstrating competency in  
 2002 the reading instruction professional development topics listed  
 2003 in s. 1012.98(4)(b)11. At the conclusion of each review, the  
 2004 department shall recommend to the state board changes to the  
 2005 subject coverage or endorsement requirements based upon any  
 2006 identified instruction or intervention strategies proven to  
 2007 improve student reading performance. This paragraph does not  
 2008 authorize the state board to establish any new certification  
 2009 subject coverage.

2010  
 2011 The employing school district shall charge the employee a fee  
 2012 not to exceed the amount charged by the Department of Education  
 2013 for such services. Each district school board shall retain a  
 2014 portion of the fee as defined in the rules of the State Board of  
 2015 Education. The portion sent to the department shall be used for  
 2016 maintenance of the technology system, the web application, and  
 2017 posting and mailing of the certificate.

2018 Section 13. Paragraph (e) is added to subsection (3) of  
 2019 section 1012.98, Florida Statutes, and paragraph (b) of  
 2020 subsection (4) and subsections (10) and (11) of that section are  
 2021 amended, to read:

2022 1012.98 School Community Professional Development Act.—

2023 (3) The activities designed to implement this section  
 2024 must:

2025 (e) Provide training to teacher mentors as part of the

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2026 | professional development certification and education competency  
 2027 | program under s. 1012.56(8)(a). The training must include  
 2028 | components on teacher development, peer coaching, time  
 2029 | management, and other related topics as determined by the  
 2030 | Department of Education.

2031 | (4) The Department of Education, school districts,  
 2032 | schools, Florida College System institutions, and state  
 2033 | universities share the responsibilities described in this  
 2034 | section. These responsibilities include the following:

2035 | (b) Each school district shall develop a professional  
 2036 | development system as specified in subsection (3). The system  
 2037 | shall be developed in consultation with teachers, teacher-  
 2038 | educators of Florida College System institutions and state  
 2039 | universities, business and community representatives, and local  
 2040 | education foundations, consortia, and professional  
 2041 | organizations. The professional development system must:

2042 | 1. Be approved by the department. All substantial  
 2043 | revisions to the system shall be submitted to the department for  
 2044 | review for continued approval.

2045 | 2. Be based on analyses of student achievement data and  
 2046 | instructional strategies and methods that support rigorous,  
 2047 | relevant, and challenging curricula for all students. Schools  
 2048 | and districts, in developing and refining the professional  
 2049 | development system, shall also review and monitor school  
 2050 | discipline data; school environment surveys; assessments of

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2051 parental satisfaction; performance appraisal data of teachers,  
 2052 managers, and administrative personnel; and other performance  
 2053 indicators to identify school and student needs that can be met  
 2054 by improved professional performance.

2055 3. Provide inservice activities coupled with followup  
 2056 support appropriate to accomplish district-level and school-  
 2057 level improvement goals and standards. The inservice activities  
 2058 for instructional personnel shall focus on analysis of student  
 2059 achievement data, ongoing formal and informal assessments of  
 2060 student achievement, identification and use of enhanced and  
 2061 differentiated instructional strategies that emphasize rigor,  
 2062 relevance, and reading in the content areas, enhancement of  
 2063 subject content expertise, integrated use of classroom  
 2064 technology that enhances teaching and learning, classroom  
 2065 management, parent involvement, and school safety.

2066 4. Provide inservice activities and support targeted to  
 2067 the individual needs of new teachers participating in the  
 2068 professional development certification and education competency  
 2069 program under s. 1012.56(8) (a).

2070 5.4. Include a master plan for inservice activities,  
 2071 pursuant to rules of the State Board of Education, for all  
 2072 district employees from all fund sources. The master plan shall  
 2073 be updated annually by September 1, must be based on input from  
 2074 teachers and district and school instructional leaders, and must  
 2075 use the latest available student achievement data and research



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2076 | to enhance rigor and relevance in the classroom. Each district  
 2077 | inservice plan must be aligned to and support the school-based  
 2078 | inservice plans and school improvement plans pursuant to s.  
 2079 | 1001.42(18). Each district inservice plan must provide a  
 2080 | description of the training that middle grades instructional  
 2081 | personnel and school administrators receive on the district's  
 2082 | code of student conduct adopted pursuant to s. 1006.07;  
 2083 | integrated digital instruction and competency-based instruction  
 2084 | and CAPE Digital Tool certificates and CAPE industry  
 2085 | certifications; classroom management; student behavior and  
 2086 | interaction; extended learning opportunities for students; and  
 2087 | instructional leadership. District plans must be approved by the  
 2088 | district school board annually in order to ensure compliance  
 2089 | with subsection (1) and to allow for dissemination of research-  
 2090 | based best practices to other districts. District school boards  
 2091 | must submit verification of their approval to the Commissioner  
 2092 | of Education no later than October 1, annually. Each school  
 2093 | principal may establish and maintain an individual professional  
 2094 | development plan for each instructional employee assigned to the  
 2095 | school as a seamless component to the school improvement plans  
 2096 | developed pursuant to s. 1001.42(18). An individual professional  
 2097 | development plan must be related to specific performance data  
 2098 | for the students to whom the teacher is assigned, define the  
 2099 | inservice objectives and specific measurable improvements  
 2100 | expected in student performance as a result of the inservice

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2101 activity, and include an evaluation component that determines  
 2102 the effectiveness of the professional development plan.

2103 ~~6.5.~~ Include inservice activities for school  
 2104 administrative personnel that address updated skills necessary  
 2105 for instructional leadership and effective school management  
 2106 pursuant to s. 1012.986.

2107 ~~7.6.~~ Provide for systematic consultation with regional and  
 2108 state personnel designated to provide technical assistance and  
 2109 evaluation of local professional development programs.

2110 ~~8.7.~~ Provide for delivery of professional development by  
 2111 distance learning and other technology-based delivery systems to  
 2112 reach more educators at lower costs.

2113 ~~9.8.~~ Provide for the continuous evaluation of the quality  
 2114 and effectiveness of professional development programs in order  
 2115 to eliminate ineffective programs and strategies and to expand  
 2116 effective ones. Evaluations must consider the impact of such  
 2117 activities on the performance of participating educators and  
 2118 their students' achievement and behavior.

2119 ~~10.9.~~ For middle grades, emphasize:

2120 a. Interdisciplinary planning, collaboration, and  
 2121 instruction.

2122 b. Alignment of curriculum and instructional materials to  
 2123 the state academic standards adopted pursuant to s. 1003.41.

2124 c. Use of small learning communities; problem-solving,  
 2125 inquiry-driven research and analytical approaches for students;

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2126 strategies and tools based on student needs; competency-based  
 2127 instruction; integrated digital instruction; and project-based  
 2128 instruction.

2129  
 2130 Each school that includes any of grades 6, 7, or 8 must include  
 2131 in its school improvement plan, required under s. 1001.42(18), a  
 2132 description of the specific strategies used by the school to  
 2133 implement each item listed in this subparagraph.

2134 11. Provide training to reading coaches, classroom  
 2135 teachers, and school administrators in effective methods of  
 2136 identifying characteristics of conditions such as dyslexia and  
 2137 other causes of diminished phonological processing skills;  
 2138 incorporating instructional techniques into the general  
 2139 education setting which are proven to improve reading  
 2140 performance for all students; and using predictive and other  
 2141 data to make instructional decisions based on individual student  
 2142 needs. The training must help teachers integrate phonemic  
 2143 awareness; phonics, word study, and spelling; reading fluency;  
 2144 vocabulary, including academic vocabulary; and text  
 2145 comprehension strategies into an explicit, systematic, and  
 2146 sequential approach to reading instruction, including  
 2147 multisensory intervention strategies. Each district must provide  
 2148 all elementary grades instructional personnel access to training  
 2149 sufficient to meet the requirements of s. 1012.585(3)(f).

2150 (10) For instructional personnel and administrative

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2151 personnel who have been evaluated as less than effective, a  
 2152 district school board shall require participation in specific  
 2153 professional development programs as provided in subparagraph  
 2154 (4) (b) 5. ~~(4) (b) 4.~~ as part of the improvement prescription.

2155 (11) The department shall disseminate to the school  
 2156 community proven model professional development programs that  
 2157 have demonstrated success in increasing rigorous and relevant  
 2158 content, increasing student achievement and engagement, ~~and~~  
 2159 meeting identified student needs, and providing effective  
 2160 mentorship activities to new teachers and training to teacher  
 2161 mentors. The methods of dissemination must include a web-based  
 2162 statewide performance-support system including a database of  
 2163 exemplary professional development activities, a listing of  
 2164 available professional development resources, training programs,  
 2165 and available technical assistance.

2166 Section 14. Section 683.1455, Florida Statutes, is created  
 2167 to read:

2168 683.1455 American Founders' Month.—

2169 (1) The month of September of each year is designated as  
 2170 "American Founders' Month."

2171 (2) The Governor may annually issue a proclamation  
 2172 designating the month of September as "American Founders' Month"  
 2173 and urging all civic, fraternal, and religious organizations and  
 2174 public and private educational institutions to recognize and  
 2175 observe this occasion through appropriate programs, meetings,

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2176 services, or celebrations in which state, county, and local  
 2177 governmental officials are invited to participate.

2178 Section 15. Paragraphs (c) through (g) of subsection (5)  
 2179 of section 1000.03, Florida Statutes, are redesignated as  
 2180 paragraphs (d) through (h), respectively, and a new paragraph  
 2181 (c) is added to that subsection to read:

2182 1000.03 Function, mission, and goals of the Florida K-20  
 2183 education system.—

2184 (5) The priorities of Florida's K-20 education system  
 2185 include:

2186 (c) Civic literacy.—Students are prepared to become  
 2187 civically engaged and knowledgeable adults who make positive  
 2188 contributions to their communities.

2189 Section 16. Section 1001.215, Florida Statutes, is amended  
 2190 to read:

2191 1001.215 Just Read, Florida! Office.—There is created in  
 2192 the Department of Education the Just Read, Florida! Office. The  
 2193 office is ~~shall be~~ fully accountable to the Commissioner of  
 2194 Education and shall:

2195 (1) Train ~~highly effective~~ reading coaches.

2196 (2) Create multiple designations of effective reading  
 2197 instruction, with accompanying credentials, to enable ~~which~~  
 2198 ~~encourage~~ all teachers to integrate reading instruction into  
 2199 their content areas.

2200 (3) Work with the Lastinger Center for Learning at the

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2201 University of Florida to develop training for ~~train~~ K-12  
 2202 teachers, reading coaches, and school principals on effective  
 2203 content-area-specific reading strategies; the integration of  
 2204 content-rich curriculum from other core subject areas into  
 2205 reading instruction; and evidence-based reading strategies  
 2206 identified in subsection (7) to improve student reading  
 2207 performance. For secondary teachers, emphasis shall be on  
 2208 technical text. These strategies must be developed for all  
 2209 content areas in the K-12 curriculum.

2210 (4) Develop and provide access to sequenced, content-rich  
 2211 curriculum programming, instructional practices, and resources  
 2212 that help elementary schools use state-adopted instructional  
 2213 materials to increase students' background knowledge and  
 2214 literacy skills, including student attainment of the Next  
 2215 Generation Sunshine State Standards for social studies, science,  
 2216 and the arts.

2217 (5)~~(4)~~ Provide parents with information and strategies for  
 2218 assisting their children in reading, including reading in the  
 2219 content areas ~~area~~.

2220 (6)~~(5)~~ Provide technical assistance to school districts in  
 2221 the development and implementation of district plans for use of  
 2222 the research-based reading instruction allocation provided in s.  
 2223 1011.62(9) and annually review and approve such plans.

2224 (7)~~(6)~~ Review, evaluate, and provide technical assistance  
 2225 to school districts' implementation of the K-12 comprehensive

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2226 reading plan required in s. 1011.62(9).

2227 (8)~~(7)~~ Work with the Florida Center for Reading Research

2228 to identify scientifically researched and evidence-based reading

2229 instructional and intervention programs that incorporate

2230 explicit, systematic, and sequential approaches to teaching

2231 phonemic awareness, phonics, vocabulary, fluency, and text

2232 comprehension and incorporate decodable or phonetic text

2233 instructional ~~provide information on research-based reading~~

2234 ~~programs and effective reading in the content area strategies.~~

2235 Reading intervention includes evidence-based strategies

2236 frequently used to remediate reading deficiencies and includes,

2237 but is not limited to, individual instruction, multisensory

2238 approaches, tutoring, mentoring, or the use of technology that

2239 targets specific reading skills and abilities.

2240 (9)~~(8)~~ Periodically review the Next Generation Sunshine

2241 State Standards for English Language Arts to determine their

2242 appropriateness at each grade level ~~reading at all grade levels.~~

2243 (10)~~(9)~~ Periodically review teacher certification

2244 requirements and examinations, including alternative

2245 certification requirements and examinations ~~exams~~, to ascertain

2246 whether the examinations measure the skills needed for evidence-

2247 based ~~research-based~~ reading instruction and instructional

2248 strategies for teaching reading, including reading in ~~the~~

2249 content areas.

2250 (11)~~(10)~~ Work with teacher preparation programs approved

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2251 pursuant to ss. ~~s.~~ 1004.04 and 1004.85 to integrate effective,  
 2252 research-based and evidence-based reading instructional and  
 2253 intervention strategies, including explicit, systematic, and  
 2254 sequential and reading strategies, multisensory intervention  
 2255 strategies, and reading in the content area instructional  
 2256 strategies into teacher preparation programs.

2257 (12)~~(11)~~ Administer grants and perform other functions as  
 2258 necessary to help meet the goal that all students read at their  
 2259 highest potential ~~grade level.~~

2260 Section 17. Subsection (3) is added to section 1003.44,  
 2261 Florida Statutes, to read:

2262 1003.44 Patriotic programs; rules.—

2263 (3) All public schools in the state are encouraged to  
 2264 coordinate, at all grade levels, instruction related to our  
 2265 nation's founding fathers with "American Founders' Month"  
 2266 pursuant to s. 683.1455.

2267 Section 18. Subsections (4) through (11) of section  
 2268 1007.25, Florida Statutes, are renumbered as subsections (5)  
 2269 through (12), respectively, and a new subsection (4) is added to  
 2270 that section to read:

2271 1007.25 General education courses; common prerequisites;  
 2272 other degree requirements.—

2273 (4) Beginning with students initially entering a Florida  
 2274 College System institution or state university in the 2018-2019  
 2275 school year and thereafter, each student must demonstrate



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2276 competency in civic literacy. Students must have the option to  
 2277 demonstrate competency through successful completion of a civic  
 2278 literacy course or by achieving a passing score on an  
 2279 assessment. The State Board of Education must adopt in rule and  
 2280 the Board of Governors must adopt in regulation at least one  
 2281 existing assessment that measures competencies consistent with  
 2282 the required course competencies outlined in paragraph (b). The  
 2283 chair of the State Board of Education and the chair of the Board  
 2284 of Governors, or their respective designees, shall jointly  
 2285 appoint a faculty committee to:

2286 (a) Develop a new course in civic literacy or revise an  
 2287 existing general education core course in American History or  
 2288 American Government to include civic literacy.

2289 (b) Establish course competencies and identify outcomes  
 2290 that include, at a minimum, an understanding of the basic  
 2291 principles of American democracy and how they are applied in our  
 2292 republican form of government, an understanding of the United  
 2293 States Constitution, knowledge of the founding documents and how  
 2294 they have shaped the nature and functions of our institutions of  
 2295 self-governance, and an understanding of landmark Supreme Court  
 2296 cases and their impact on law and society.

2297 Section 19. Paragraph (c) of subsection (1) of section  
 2298 943.22, Florida Statutes, is amended to read:

2299 943.22 Salary incentive program for full-time officers.—

2300 (1) For the purpose of this section, the term:

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2301 (c) "Community college degree or equivalent" means  
 2302 graduation from an accredited community college or having been  
 2303 granted a degree pursuant to s. 1007.25(11) ~~s. 1007.25(10)~~ or  
 2304 successful completion of 60 semester hours or 90 quarter hours  
 2305 and eligibility to receive an associate degree from an  
 2306 accredited college, university, or community college.

2307 Section 20. Subsection (7) and paragraph (d) of subsection  
 2308 (8) of section 1001.64, Florida Statutes, are amended to read:

2309 1001.64 Florida College System institution boards of  
 2310 trustees; powers and duties.—

2311 (7) Each board of trustees has responsibility for:  
 2312 ensuring that students have access to general education courses  
 2313 as identified in rule; requiring no more than 60 semester hours  
 2314 of degree program coursework, including 36 semester hours of  
 2315 general education coursework, for an associate in arts degree;  
 2316 notifying students that earned hours in excess of 60 semester  
 2317 hours may not be accepted by state universities; notifying  
 2318 students of unique program prerequisites; and ensuring that  
 2319 degree program coursework beyond general education coursework is  
 2320 consistent with degree program prerequisite requirements adopted  
 2321 pursuant to s. 1007.25(6) ~~s. 1007.25(5)~~.

2322 (8) Each board of trustees has authority for policies  
 2323 related to students, enrollment of students, student records,  
 2324 student activities, financial assistance, and other student  
 2325 services.

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2326 (d) Boards of trustees shall identify their general  
 2327 education curricula pursuant to s. 1007.25(7) ~~s. 1007.25(6)~~.

2328 Section 21. Subsection (1), paragraphs (a), (b), (c), and  
 2329 (h) of subsection (6), subsection (7), paragraph (b) of  
 2330 subsection (8), paragraph (n) of subsection (9), paragraph (a)  
 2331 of subsection (10), paragraph (h) of subsection (12), subsection  
 2332 (13), paragraphs (b) and (c) of subsection (17), paragraphs (a)  
 2333 and (c) of subsection (18), subsections (19) and (20),  
 2334 paragraphs (a) and (b) of subsection (21), and subsections (25)  
 2335 and (28) of section 1002.33, Florida Statutes, are amended to  
 2336 read:

2337 1002.33 Charter schools.—

2338 (1) AUTHORIZATION. ~~Charter schools shall be part of the~~  
 2339 ~~state's program of public education.~~ All charter schools in  
 2340 Florida are public schools and shall be part of the state's  
 2341 program of public education. A charter school may be formed by  
 2342 creating a new school or converting an existing public school to  
 2343 charter status. A charter school may operate a virtual charter  
 2344 school pursuant to s. 1002.45(1)(d) to provide full-time online  
 2345 instruction to ~~eligible~~ students, pursuant to s. 1002.455, in  
 2346 kindergarten through grade 12. The school district in which the  
 2347 student enrolls in the virtual charter school shall report the  
 2348 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and  
 2349 the home school district shall not report the student for  
 2350 funding. An existing charter school that is seeking to become a

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2351 virtual charter school must amend its charter or submit a new  
 2352 application pursuant to subsection (6) to become a virtual  
 2353 charter school. A virtual charter school is subject to the  
 2354 requirements of this section; however, a virtual charter school  
 2355 is exempt from subsections (18) and (19), ~~subparagraphs~~  
 2356 ~~(20) (a) 2., 4., 5., and 7.,~~ paragraph (20) (c), and s. 1003.03. A  
 2357 public school may not use the term charter in its name unless it  
 2358 has been approved under this section.

2359 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
 2360 applications are subject to the following requirements:

2361 (a) A person or entity seeking to open a charter school  
 2362 shall prepare and submit an application on the standard ~~a model~~  
 2363 application form prepared by the Department of Education which:

2364 1. Demonstrates how the school will use the guiding  
 2365 principles and meet the statutorily defined purpose of a charter  
 2366 school.

2367 2. Provides a detailed curriculum plan that illustrates  
 2368 how students will be provided services to attain the Sunshine  
 2369 State Standards.

2370 3. Contains goals and objectives for improving student  
 2371 learning and measuring that improvement. These goals and  
 2372 objectives must indicate how much academic improvement students  
 2373 are expected to show each year, how success will be evaluated,  
 2374 and the specific results to be attained through instruction.

2375 4. Describes the reading curriculum and differentiated

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2376 strategies that will be used for students reading at grade level  
 2377 or higher and a separate curriculum and strategies for students  
 2378 who are reading below grade level. A sponsor shall deny an  
 2379 application if the school does not propose a reading curriculum  
 2380 that is consistent with effective teaching strategies that are  
 2381 grounded in scientifically based reading research.

2382 5. Contains an annual financial plan for each year  
 2383 requested by the charter for operation of the school for up to 5  
 2384 years. This plan must contain anticipated fund balances based on  
 2385 revenue projections, a spending plan based on projected revenues  
 2386 and expenses, and a description of controls that will safeguard  
 2387 finances and projected enrollment trends.

2388 6. Discloses the name of each applicant, governing board  
 2389 member, and all proposed education services providers; the name  
 2390 and sponsor of any charter school operated by each applicant,  
 2391 each governing board member, and each proposed education  
 2392 services provider that has closed and the reasons for the  
 2393 closure; and the academic and financial history of such charter  
 2394 schools, which the sponsor shall consider in deciding whether to  
 2395 approve or deny the application.

2396 7. Contains additional information a sponsor may require,  
 2397 which shall be attached as an addendum to the charter school  
 2398 application described in this paragraph.

2399 8. For the establishment of a virtual charter school,  
 2400 documents that the applicant has contracted with a provider of

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2401 virtual instruction services pursuant to s. 1002.45(1)(d).

2402 (b) A sponsor shall receive and review all applications

2403 for a charter school using the evaluation instrument developed

2404 by the Department of Education. A sponsor shall receive and

2405 consider charter school applications received on or before

2406 August 1 of each calendar year for charter schools to be opened

2407 at the beginning of the school district's next school year, or

2408 to be opened at a time agreed to by the applicant and the

2409 sponsor. A sponsor may not refuse to receive a charter school

2410 application submitted before August 1 and may receive an

2411 application submitted later than August 1 if it chooses.

2412 Beginning in 2018 and thereafter, a sponsor shall receive and

2413 consider charter school applications received on or before

2414 February 1 of each calendar year for charter schools to be

2415 opened 18 months later at the beginning of the school district's

2416 school year, or to be opened at a time agreed to by the

2417 applicant and the sponsor. A sponsor may not refuse to receive a

2418 charter school application submitted before February 1 and may

2419 receive an application submitted later than February 1 if it

2420 chooses. ~~In order to facilitate greater collaboration in the~~

2421 ~~application process, an applicant may submit a draft charter~~

2422 ~~school application on or before May 1 with an application fee of~~

2423 ~~\$500. If a draft application is timely submitted, the sponsor~~

2424 ~~shall review and provide feedback as to material deficiencies in~~

2425 ~~the application by July 1. The applicant shall then have until~~

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2426 ~~August 1 to resubmit a revised and final application. The~~  
 2427 ~~sponsor may approve the draft application. Except as provided~~  
 2428 ~~for a draft application,~~ A sponsor may not charge an applicant  
 2429 for a charter any fee for the processing or consideration of an  
 2430 application, and a sponsor may not base its consideration or  
 2431 approval of a final application upon the promise of future  
 2432 payment of any kind. Before approving or denying any ~~final~~  
 2433 application, the sponsor shall allow the applicant, upon receipt  
 2434 of written notification, at least 7 calendar days to make  
 2435 technical or nonsubstantive corrections and clarifications,  
 2436 including, but not limited to, corrections of grammatical,  
 2437 typographical, and like errors or missing signatures, if such  
 2438 errors are identified by the sponsor as cause to deny the final  
 2439 application.

2440         1. In order to facilitate an accurate budget projection  
 2441 process, a sponsor shall be held harmless for FTE students who  
 2442 are not included in the FTE projection due to approval of  
 2443 charter school applications after the FTE projection deadline.  
 2444 In a further effort to facilitate an accurate budget projection,  
 2445 within 15 calendar days after receipt of a charter school  
 2446 application, a sponsor shall report to the Department of  
 2447 Education the name of the applicant entity, the proposed charter  
 2448 school location, and its projected FTE.

2449         2. In order to ensure fiscal responsibility, an  
 2450 application for a charter school shall include a full accounting

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2451 of expected assets, a projection of expected sources and amounts  
2452 of income, including income derived from projected student  
2453 enrollments and from community support, and an expense  
2454 projection that includes full accounting of the costs of  
2455 operation, including start-up costs.

2456 3.a. A sponsor shall by a majority vote approve or deny an  
2457 application no later than 90 ~~60~~ calendar days after the  
2458 application is received, unless the sponsor and the applicant  
2459 mutually agree in writing to temporarily postpone the vote to a  
2460 specific date, at which time the sponsor shall by a majority  
2461 vote approve or deny the application. If the sponsor fails to  
2462 act on the application, an applicant may appeal to the State  
2463 Board of Education as provided in paragraph (c). If an  
2464 application is denied, the sponsor shall, within 10 calendar  
2465 days after such denial, articulate in writing the specific  
2466 reasons, based upon good cause, supporting its denial of the  
2467 application and shall provide the letter of denial and  
2468 supporting documentation to the applicant and to the Department  
2469 of Education.

2470 b. An application submitted by a high-performing charter  
2471 school identified pursuant to s. 1002.331 or a high-performing  
2472 charter school system identified pursuant to s. 1002.332 may be  
2473 denied by the sponsor only if the sponsor demonstrates by clear  
2474 and convincing evidence that:

2475 (I) The application does not materially comply with the



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2476 requirements in paragraph (a);

2477 (II) The charter school proposed in the application does  
 2478 not materially comply with the requirements in paragraphs  
 2479 (9) (a) - (f);

2480 (III) The proposed charter school's educational program  
 2481 does not substantially replicate that of the applicant or one of  
 2482 the applicant's high-performing charter schools;

2483 (IV) The applicant has made a material misrepresentation  
 2484 or false statement or concealed an essential or material fact  
 2485 during the application process; or

2486 (V) The proposed charter school's educational program and  
 2487 financial management practices do not materially comply with the  
 2488 requirements of this section.

2489  
 2490 Material noncompliance is a failure to follow requirements or a  
 2491 violation of prohibitions applicable to charter school  
 2492 applications, which failure is quantitatively or qualitatively  
 2493 significant either individually or when aggregated with other  
 2494 noncompliance. An applicant is considered to be replicating a  
 2495 high-performing charter school if the proposed school is  
 2496 substantially similar to at least one of the applicant's high-  
 2497 performing charter schools and the organization or individuals  
 2498 involved in the establishment and operation of the proposed  
 2499 school are significantly involved in the operation of replicated  
 2500 schools.

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2501 c. If the sponsor denies an application submitted by a  
 2502 high-performing charter school or a high-performing charter  
 2503 school system, the sponsor must, within 10 calendar days after  
 2504 such denial, state in writing the specific reasons, based upon  
 2505 the criteria in sub-subparagraph b., supporting its denial of  
 2506 the application and must provide the letter of denial and  
 2507 supporting documentation to the applicant and to the Department  
 2508 of Education. The applicant may appeal the sponsor's denial of  
 2509 the application in accordance with ~~directly to the State Board~~  
 2510 ~~of Education and, if an appeal is filed, must provide a copy of~~  
 2511 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

2512 4. For budget projection purposes, the sponsor shall  
 2513 report to the Department of Education the approval or denial of  
 2514 an application within 10 calendar days after such approval or  
 2515 denial. In the event of approval, the report to the Department  
 2516 of Education shall include the final projected FTE for the  
 2517 approved charter school.

2518 5. Upon approval of an application, the initial startup  
 2519 shall commence with the beginning of the public school calendar  
 2520 for the district in which the charter is granted. A charter  
 2521 school may defer the opening of the school's operations for up  
 2522 to 2 years to provide time for adequate facility planning. The  
 2523 charter school must provide written notice of such intent to the  
 2524 sponsor and the parents of enrolled students at least 30  
 2525 calendar days before the first day of school.

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2526 (c)1. An applicant may appeal any denial of that  
 2527 applicant's application or failure to act on an application to  
 2528 the State Board of Education no later than 30 calendar days  
 2529 after receipt of the sponsor's decision or failure to act and  
 2530 shall notify the sponsor of its appeal. Any response of the  
 2531 sponsor shall be submitted to the State Board of Education  
 2532 within 30 calendar days after notification of the appeal. Upon  
 2533 receipt of notification from the State Board of Education that a  
 2534 charter school applicant is filing an appeal, the Commissioner  
 2535 of Education shall convene a meeting of the Charter School  
 2536 Appeal Commission to study and make recommendations to the State  
 2537 Board of Education regarding its pending decision about the  
 2538 appeal. The commission shall forward its recommendation to the  
 2539 state board at least 7 calendar days before the date on which  
 2540 the appeal is to be heard. ~~An appeal regarding the denial of an~~  
 2541 ~~application submitted by a high-performing charter school~~  
 2542 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~  
 2543 ~~Education in accordance with this paragraph, except that the~~  
 2544 ~~commission shall not convene to make recommendations regarding~~  
 2545 ~~the appeal. However, the Commissioner of Education shall review~~  
 2546 ~~the appeal and make a recommendation to the state board.~~  
 2547 2. The Charter School Appeal Commission ~~or, in the case of~~  
 2548 ~~an appeal regarding an application submitted by a high-~~  
 2549 ~~performing charter school, the State Board of Education may~~  
 2550 reject an appeal submission for failure to comply with

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2551 procedural rules governing the appeals process. The rejection  
 2552 shall describe the submission errors. The appellant shall have  
 2553 15 calendar days after notice of rejection in which to resubmit  
 2554 an appeal that meets the requirements set forth in State Board  
 2555 of Education rule. An appeal submitted subsequent to such  
 2556 rejection is considered timely if the original appeal was filed  
 2557 within 30 calendar days after receipt of notice of the specific  
 2558 reasons for the sponsor's denial of the charter application.

2559 3.a. The State Board of Education shall by majority vote  
 2560 accept or reject the decision of the sponsor no later than 90  
 2561 calendar days after an appeal is filed in accordance with State  
 2562 Board of Education rule. The State Board of Education shall  
 2563 remand the application to the sponsor with its written decision  
 2564 that the sponsor approve or deny the application. The sponsor  
 2565 shall implement the decision of the State Board of Education.  
 2566 The decision of the State Board of Education is not subject to  
 2567 the provisions of the Administrative Procedure Act, chapter 120.

2568 b. If an appeal concerns an application submitted by a  
 2569 high-performing charter school identified pursuant to s.  
 2570 1002.331 or a high-performing charter school system identified  
 2571 pursuant to s. 1002.332, the State Board of Education shall  
 2572 determine whether the sponsor's denial was in accordance with  
 2573 sub-subparagraph (b)3.b. ~~sponsor has shown, by clear and~~  
 2574 ~~convincing evidence, that:~~

2575 ~~(I) The application does not materially comply with the~~

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2576 ~~requirements in paragraph (a);~~

2577 ~~(II) The charter school proposed in the application does~~  
 2578 ~~not materially comply with the requirements in paragraphs~~  
 2579 ~~(9)(a)-(f);~~

2580 ~~(III) The proposed charter school's educational program~~  
 2581 ~~does not substantially replicate that of the applicant or one of~~  
 2582 ~~the applicant's high-performing charter schools;~~

2583 ~~(IV) The applicant has made a material misrepresentation~~  
 2584 ~~or false statement or concealed an essential or material fact~~  
 2585 ~~during the application process; or~~

2586 ~~(V) The proposed charter school's educational program and~~  
 2587 ~~financial management practices do not materially comply with the~~  
 2588 ~~requirements of this section.~~

2589  
 2590 ~~The State Board of Education shall approve or reject the~~  
 2591 ~~sponsor's denial of an application no later than 90 calendar~~  
 2592 ~~days after an appeal is filed in accordance with State Board of~~  
 2593 ~~Education rule. The State Board of Education shall remand the~~  
 2594 ~~application to the sponsor with its written decision that the~~  
 2595 ~~sponsor approve or deny the application. The sponsor shall~~  
 2596 ~~implement the decision of the State Board of Education. The~~  
 2597 ~~decision of the State Board of Education is not subject to the~~  
 2598 ~~Administrative Procedure Act, chapter 120.~~

2599 ~~(h) The terms and conditions for the operation of a~~  
 2600 ~~charter school shall be set forth by the sponsor and the~~

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2601 ~~applicant in a written contractual agreement, called a charter.~~  
 2602 ~~The sponsor may not impose unreasonable rules or regulations~~  
 2603 ~~that violate the intent of giving charter schools greater~~  
 2604 ~~flexibility to meet educational goals. The sponsor has 30 days~~  
 2605 ~~after approval of the application to provide an initial proposed~~  
 2606 ~~charter contract to the charter school. The applicant and the~~  
 2607 ~~sponsor have 40 days thereafter to negotiate and notice the~~  
 2608 ~~charter contract for final approval by the sponsor unless both~~  
 2609 ~~parties agree to an extension. The proposed charter contract~~  
 2610 ~~shall be provided to the charter school at least 7 calendar days~~  
 2611 ~~prior to the date of the meeting at which the charter is~~  
 2612 ~~scheduled to be voted upon by the sponsor. The Department of~~  
 2613 ~~Education shall provide mediation services for any dispute~~  
 2614 ~~regarding this section subsequent to the approval of a charter~~  
 2615 ~~application and for any dispute relating to the approved~~  
 2616 ~~charter, except disputes regarding charter school application~~  
 2617 ~~denials. If the Commissioner of Education determines that the~~  
 2618 ~~dispute cannot be settled through mediation, the dispute may be~~  
 2619 ~~appealed to an administrative law judge appointed by the~~  
 2620 ~~Division of Administrative Hearings. The administrative law~~  
 2621 ~~judge has final order authority to rule on issues of equitable~~  
 2622 ~~treatment of the charter school as a public school, whether~~  
 2623 ~~proposed provisions of the charter violate the intended~~  
 2624 ~~flexibility granted charter schools by statute, or on any other~~  
 2625 ~~matter regarding this section except a charter school~~

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2626 ~~application denial, a charter termination, or a charter~~  
 2627 ~~nonrenewal and shall award the prevailing party reasonable~~  
 2628 ~~attorney's fees and costs incurred to be paid by the losing~~  
 2629 ~~party. The costs of the administrative hearing shall be paid by~~  
 2630 ~~the party whom the administrative law judge rules against.~~

2631 (7) CHARTER.—The terms and conditions for the operation of  
 2632 a charter school shall be set forth by the sponsor and the  
 2633 applicant in a written contractual agreement, called a charter.  
 2634 The sponsor and the governing board of the charter school shall  
 2635 use the standard charter contract pursuant to subsection (21),  
 2636 which shall incorporate the approved application and any addenda  
 2637 approved with the application. Any term or condition of a  
 2638 proposed charter contract that differs from the standard charter  
 2639 contract adopted by rule of the State Board of Education shall  
 2640 be presumed a limitation on charter school flexibility. The  
 2641 sponsor may not impose unreasonable rules or regulations that  
 2642 violate the intent of giving charter schools greater flexibility  
 2643 to meet educational goals ~~The major issues involving the~~  
 2644 ~~operation of a charter school shall be considered in advance and~~  
 2645 ~~written into the charter.~~ The charter shall be signed by the  
 2646 governing board of the charter school and the sponsor, following  
 2647 a public hearing to ensure community input.

2648 (a) The charter shall address and criteria for approval of  
 2649 the charter shall be based on:

2650 1. The school's mission, the students to be served, and

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2651 | the ages and grades to be included.

2652 |         2. The focus of the curriculum, the instructional methods  
 2653 | to be used, any distinctive instructional techniques to be  
 2654 | employed, and identification and acquisition of appropriate  
 2655 | technologies needed to improve educational and administrative  
 2656 | performance which include a means for promoting safe, ethical,  
 2657 | and appropriate uses of technology which comply with legal and  
 2658 | professional standards.

2659 |         a. The charter shall ensure that reading is a primary  
 2660 | focus of the curriculum and that resources are provided to  
 2661 | identify and provide specialized instruction for students who  
 2662 | are reading below grade level. The curriculum and instructional  
 2663 | strategies for reading must be consistent with the Next  
 2664 | Generation Sunshine State Standards and grounded in  
 2665 | scientifically based reading research.

2666 |         b. In order to provide students with access to diverse  
 2667 | instructional delivery models, to facilitate the integration of  
 2668 | technology within traditional classroom instruction, and to  
 2669 | provide students with the skills they need to compete in the  
 2670 | 21st century economy, the Legislature encourages instructional  
 2671 | methods for blended learning courses consisting of both  
 2672 | traditional classroom and online instructional techniques.  
 2673 | Charter schools may implement blended learning courses which  
 2674 | combine traditional classroom instruction and virtual  
 2675 | instruction. Students in a blended learning course must be full-



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2676 | time students of the charter school pursuant to s.  
2677 | 1011.61(1)(a)1. ~~and receive the online instruction in a~~  
2678 | ~~classroom setting at the charter school.~~ Instructional personnel  
2679 | certified pursuant to s. 1012.55 who provide virtual instruction  
2680 | for blended learning courses may be employees of the charter  
2681 | school or may be under contract to provide instructional  
2682 | services to charter school students. At a minimum, such  
2683 | instructional personnel must hold an active state or school  
2684 | district adjunct certification under s. 1012.57 for the subject  
2685 | area of the blended learning course. The funding and performance  
2686 | accountability requirements for blended learning courses are the  
2687 | same as those for traditional courses.

2688 |         3. The current incoming baseline standard of student  
2689 | academic achievement, the outcomes to be achieved, and the  
2690 | method of measurement that will be used. The criteria listed in  
2691 | this subparagraph shall include a detailed description of:

2692 |             a. How the baseline student academic achievement levels  
2693 | and prior rates of academic progress will be established.

2694 |             b. How these baseline rates will be compared to rates of  
2695 | academic progress achieved by these same students while  
2696 | attending the charter school.

2697 |             c. To the extent possible, how these rates of progress  
2698 | will be evaluated and compared with rates of progress of other  
2699 | closely comparable student populations.

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2701 The district school board is required to provide academic  
 2702 student performance data to charter schools for each of their  
 2703 students coming from the district school system, as well as  
 2704 rates of academic progress of comparable student populations in  
 2705 the district school system.

2706 4. The methods used to identify the educational strengths  
 2707 and needs of students and how well educational goals and  
 2708 performance standards are met by students attending the charter  
 2709 school. The methods shall provide a means for the charter school  
 2710 to ensure accountability to its constituents by analyzing  
 2711 student performance data and by evaluating the effectiveness and  
 2712 efficiency of its major educational programs. Students in  
 2713 charter schools shall, at a minimum, participate in the  
 2714 statewide assessment program created under s. 1008.22.

2715 5. In secondary charter schools, a method for determining  
 2716 that a student has satisfied the requirements for graduation in  
 2717 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

2718 6. A method for resolving conflicts between the governing  
 2719 board of the charter school and the sponsor.

2720 7. The admissions procedures and dismissal procedures,  
 2721 including the school's code of student conduct. Admission or  
 2722 dismissal must not be based on a student's academic performance.

2723 8. The ways by which the school will achieve a  
 2724 racial/ethnic balance reflective of the community it serves or  
 2725 within the racial/ethnic range of other public schools in the

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2726 same school district.

2727         9. The financial and administrative management of the  
 2728 school, including a reasonable demonstration of the professional  
 2729 experience or competence of those individuals or organizations  
 2730 applying to operate the charter school or those hired or  
 2731 retained to perform such professional services and the  
 2732 description of clearly delineated responsibilities and the  
 2733 policies and practices needed to effectively manage the charter  
 2734 school. A description of internal audit procedures and  
 2735 establishment of controls to ensure that financial resources are  
 2736 properly managed must be included. Both public sector and  
 2737 private sector professional experience shall be equally valid in  
 2738 such a consideration.

2739         10. The asset and liability projections required in the  
 2740 application which are incorporated into the charter and shall be  
 2741 compared with information provided in the annual report of the  
 2742 charter school.

2743         11. A description of procedures that identify various  
 2744 risks and provide for a comprehensive approach to reduce the  
 2745 impact of losses; plans to ensure the safety and security of  
 2746 students and staff; plans to identify, minimize, and protect  
 2747 others from violent or disruptive student behavior; and the  
 2748 manner in which the school will be insured, including whether or  
 2749 not the school will be required to have liability insurance,  
 2750 and, if so, the terms and conditions thereof and the amounts of

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2751 coverage.

2752         12. The term of the charter which shall provide for  
 2753 cancellation of the charter if insufficient progress has been  
 2754 made in attaining the student achievement objectives of the  
 2755 charter and if it is not likely that such objectives can be  
 2756 achieved before expiration of the charter. The initial term of a  
 2757 charter shall be for 4 or 5 years. In order to facilitate access  
 2758 to long-term financial resources for charter school  
 2759 construction, charter schools that are operated by a  
 2760 municipality or other public entity as provided by law are  
 2761 eligible for up to a 15-year charter, subject to approval by the  
 2762 district school board. A charter lab school is eligible for a  
 2763 charter for a term of up to 15 years. In addition, to facilitate  
 2764 access to long-term financial resources for charter school  
 2765 construction, charter schools that are operated by a private,  
 2766 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 2767 up to a 15-year charter, subject to approval by the district  
 2768 school board. Such long-term charters remain subject to annual  
 2769 review and may be terminated during the term of the charter, but  
 2770 only according to the provisions set forth in subsection (8).

2771         13. The facilities to be used and their location. The  
 2772 sponsor may not require a charter school to have a certificate  
 2773 of occupancy or a temporary certificate of occupancy for such a  
 2774 facility earlier than 15 calendar days before the first day of  
 2775 school.

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2776           14. The qualifications to be required of the teachers and  
 2777 the potential strategies used to recruit, hire, train, and  
 2778 retain qualified staff to achieve best value.

2779           15. The governance structure of the school, including the  
 2780 status of the charter school as a public or private employer as  
 2781 required in paragraph (12) (i).

2782           16. A timetable for implementing the charter which  
 2783 addresses the implementation of each element thereof and the  
 2784 date by which the charter shall be awarded in order to meet this  
 2785 timetable.

2786           17. In the case of an existing public school that is being  
 2787 converted to charter status, alternative arrangements for  
 2788 current students who choose not to attend the charter school and  
 2789 for current teachers who choose not to teach in the charter  
 2790 school after conversion in accordance with the existing  
 2791 collective bargaining agreement or district school board rule in  
 2792 the absence of a collective bargaining agreement. However,  
 2793 alternative arrangements shall not be required for current  
 2794 teachers who choose not to teach in a charter lab school, except  
 2795 as authorized by the employment policies of the state university  
 2796 which grants the charter to the lab school.

2797           18. Full disclosure of the identity of all relatives  
 2798 employed by the charter school who are related to the charter  
 2799 school owner, president, chairperson of the governing board of  
 2800 directors, superintendent, governing board member, principal,

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2801 assistant principal, or any other person employed by the charter  
 2802 school who has equivalent decisionmaking authority. For the  
 2803 purpose of this subparagraph, the term "relative" means father,  
 2804 mother, son, daughter, brother, sister, uncle, aunt, first  
 2805 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 2806 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 2807 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 2808 stepsister, half brother, or half sister.

2809 19. Implementation of the activities authorized under s.  
 2810 1002.331 by the charter school when it satisfies the eligibility  
 2811 requirements for a high-performing charter school. A high-  
 2812 performing charter school shall notify its sponsor in writing by  
 2813 March 1 if it intends to increase enrollment or expand grade  
 2814 levels the following school year. The written notice shall  
 2815 specify the amount of the enrollment increase and the grade  
 2816 levels that will be added, as applicable.

2817 (b) The sponsor has 30 days after approval of the  
 2818 application to provide an initial proposed charter contract to  
 2819 the charter school. The applicant and the sponsor have 40 days  
 2820 thereafter to negotiate and notice the charter contract for  
 2821 final approval by the sponsor unless both parties agree to an  
 2822 extension. The proposed charter contract shall be provided to  
 2823 the charter school at least 7 calendar days before the date of  
 2824 the meeting at which the charter is scheduled to be voted upon  
 2825 by the sponsor. The Department of Education shall provide

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2826 mediation services for any dispute regarding this section  
 2827 subsequent to the approval of a charter application and for any  
 2828 dispute relating to the approved charter, except a dispute  
 2829 regarding a charter school application denial. If the  
 2830 Commissioner of Education determines that the dispute cannot be  
 2831 settled through mediation, the dispute may be appealed to an  
 2832 administrative law judge appointed by the Division of  
 2833 Administrative Hearings. The administrative law judge has final  
 2834 order authority to rule on issues of equitable treatment of the  
 2835 charter school as a public school, whether proposed provisions  
 2836 of the charter violate the intended flexibility granted charter  
 2837 schools by statute, or any other matter regarding this section,  
 2838 except a dispute regarding charter school application denial, a  
 2839 charter termination, or a charter nonrenewal. The administrative  
 2840 law judge shall award the prevailing party reasonable attorney  
 2841 fees and costs incurred during the mediation process,  
 2842 administrative proceeding, and any appeals, to be paid by the  
 2843 party whom the administrative law judge rules against.

2844 (c) ~~(b)~~1. A charter may be renewed provided that a program  
 2845 review demonstrates that the criteria in paragraph (a) have been  
 2846 successfully accomplished and that none of the grounds for  
 2847 nonrenewal established by paragraph (8) (a) has been documented.  
 2848 In order to facilitate long-term financing for charter school  
 2849 construction, charter schools operating for a minimum of 3 years  
 2850 and demonstrating exemplary academic programming and fiscal

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2851 management are eligible for a 15-year charter renewal. Such  
 2852 long-term charter is subject to annual review and may be  
 2853 terminated during the term of the charter.

2854         2. The 15-year charter renewal that may be granted  
 2855 pursuant to subparagraph 1. shall be granted to a charter school  
 2856 that has received a school grade of "A" or "B" pursuant to s.  
 2857 1008.34 in 3 of the past 4 years and is not in a state of  
 2858 financial emergency or deficit position as defined by this  
 2859 section. Such long-term charter is subject to annual review and  
 2860 may be terminated during the term of the charter pursuant to  
 2861 subsection (8).

2862         (d)~~(e)~~ A charter may be modified during its initial term  
 2863 or any renewal term upon the recommendation of the sponsor or  
 2864 the charter school's governing board and the approval of both  
 2865 parties to the agreement. Modification may include, but is not  
 2866 limited to, consolidation of multiple charters into a single  
 2867 charter if the charters are operated under the same governing  
 2868 board and physically located on the same campus, regardless of  
 2869 the renewal cycle.

2870         (e)~~(d)~~ A charter may be terminated by a charter school's  
 2871 governing board through voluntary closure. The decision to cease  
 2872 operations must be determined at a public meeting. The governing  
 2873 board shall notify the parents and sponsor of the public meeting  
 2874 in writing before the public meeting. The governing board must  
 2875 notify the sponsor, parents of enrolled students, and the



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2876 | department in writing within 24 hours after the public meeting  
 2877 | of its determination. The notice shall state the charter  
 2878 | school's intent to continue operations or the reason for the  
 2879 | closure and acknowledge that the governing board agrees to  
 2880 | follow the procedures for dissolution and reversion of public  
 2881 | funds pursuant to paragraphs (8) (e)-(g) and (9) (o).

2882 | (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

2883 | (b) At least 90 days before ~~prior to~~ renewing,  
 2884 | nonrenewing, or terminating a charter, the sponsor shall notify  
 2885 | the governing board of the school of the proposed action in  
 2886 | writing. The notice shall state in reasonable detail the grounds  
 2887 | for the proposed action and stipulate that the school's  
 2888 | governing board may, within 14 calendar days after receiving the  
 2889 | notice, request a hearing. The hearing shall be conducted at the  
 2890 | sponsor's election in accordance with one of the following  
 2891 | procedures:

2892 | 1. A direct hearing conducted by the sponsor within 60  
 2893 | days after receipt of the request for a hearing. The hearing  
 2894 | shall be conducted in accordance with ss. 120.569 and 120.57.  
 2895 | The sponsor shall decide upon nonrenewal or termination by a  
 2896 | majority vote. The sponsor's decision shall be a final order; or

2897 | 2. A hearing conducted by an administrative law judge  
 2898 | assigned by the Division of Administrative Hearings. The hearing  
 2899 | shall be conducted within 60 days after receipt of the request  
 2900 | for a hearing and in accordance with chapter 120. The

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2901 administrative law judge's recommended order shall be submitted  
 2902 to the sponsor. A majority vote by the sponsor shall be required  
 2903 to adopt or modify the administrative law judge's recommended  
 2904 order. The sponsor shall issue a final order.

2905 (9) CHARTER SCHOOL REQUIREMENTS.—

2906 (n)1. The director and a representative of the governing  
 2907 board of a charter school that has earned a grade of "D" or "F"  
 2908 pursuant to s. 1008.34 shall appear before the sponsor to  
 2909 present information concerning each contract component having  
 2910 noted deficiencies. The director and a representative of the  
 2911 governing board shall submit to the sponsor for approval a  
 2912 school improvement plan to raise student performance. Upon  
 2913 approval by the sponsor, the charter school shall begin  
 2914 implementation of the school improvement plan. The department  
 2915 shall offer technical assistance and training to the charter  
 2916 school and its governing board and establish guidelines for  
 2917 developing, submitting, and approving such plans.

2918 2.a. If a charter school earns three consecutive grades  
 2919 below a "C" ~~of "D," two consecutive grades of "D" followed by a~~  
 2920 ~~grade of "F," or two nonconsecutive grades of "F" within a 3-~~  
 2921 ~~year period,~~ the charter school governing board shall choose one  
 2922 of the following corrective actions:

2923 (I) Contract for educational services to be provided  
 2924 directly to students, instructional personnel, and school  
 2925 administrators, as prescribed in state board rule;

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2926 (II) Contract with an outside entity that has a  
 2927 demonstrated record of effectiveness to operate the school;  
 2928 (III) Reorganize the school under a new director or  
 2929 principal who is authorized to hire new staff; or  
 2930 (IV) Voluntarily close the charter school.  
 2931 b. The charter school must implement the corrective action  
 2932 in the school year following receipt of a third consecutive  
 2933 grade below a "C" ~~of "D," a grade of "F" following two~~  
 2934 ~~consecutive grades of "D," or a second nonconsecutive grade of~~  
 2935 ~~"F" within a 3-year period.~~  
 2936 c. The sponsor may annually waive a corrective action if  
 2937 it determines that the charter school is likely to improve a  
 2938 letter grade if additional time is provided to implement the  
 2939 intervention and support strategies prescribed by the school  
 2940 improvement plan. Notwithstanding this sub-subparagraph, a  
 2941 charter school that earns a second consecutive grade of "F" is  
 2942 subject to subparagraph 3. 4.  
 2943 d. A charter school is no longer required to implement a  
 2944 corrective action if it improves to a "C" or higher ~~by at least~~  
 2945 ~~one letter grade~~. However, the charter school must continue to  
 2946 implement strategies identified in the school improvement plan.  
 2947 The sponsor must annually review implementation of the school  
 2948 improvement plan to monitor the school's continued improvement  
 2949 pursuant to subparagraph 4. 5.  
 2950 e. A charter school implementing a corrective action that

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2951 does not improve to a "C" or higher ~~by at least one letter grade~~  
 2952 after 2 full school years of implementing the corrective action  
 2953 must select a different corrective action. Implementation of the  
 2954 new corrective action must begin in the school year following  
 2955 the implementation period of the existing corrective action,  
 2956 unless the sponsor determines that the charter school is likely  
 2957 to improve to a "C" or higher ~~a letter grade~~ if additional time  
 2958 is provided to implement the existing corrective action.  
 2959 Notwithstanding this sub-subparagraph, a charter school that  
 2960 earns a second consecutive grade of "F" while implementing a  
 2961 corrective action is subject to subparagraph 3. 4.

2962 ~~3. A charter school with a grade of "D" or "F" that~~  
 2963 ~~improves by at least one letter grade must continue to implement~~  
 2964 ~~the strategies identified in the school improvement plan. The~~  
 2965 ~~sponsor must annually review implementation of the school~~  
 2966 ~~improvement plan to monitor the school's continued improvement~~  
 2967 ~~pursuant to subparagraph 5.~~

2968 3.4. A charter school's charter contract is automatically  
 2969 terminated if the school earns two consecutive grades of "F"  
 2970 after all school grade appeals are final unless:

2971 a. The charter school is established to turn around the  
 2972 performance of a district public school pursuant to s.

2973 1008.33(4)(b)2. ~~1008.33(4)(b)3.~~ Such charter schools shall be  
 2974 governed by s. 1008.33;

2975 b. The charter school serves a student population the

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2976 majority of which resides in a school zone served by a district  
 2977 public school subject to s. 1008.33(4) ~~that earned a grade of~~  
 2978 ~~"F" in the year before the charter school opened~~ and the charter  
 2979 school earns at least a grade of "D" in its third year of  
 2980 operation. The exception provided under this sub-subparagraph  
 2981 does not apply to a charter school in its fourth year of  
 2982 operation and thereafter; or

2983 c. The state board grants the charter school a waiver of  
 2984 termination. The charter school must request the waiver within  
 2985 15 days after the department's official release of school  
 2986 grades. The state board may waive termination if the charter  
 2987 school demonstrates that the Learning Gains of its students on  
 2988 statewide assessments are comparable to or better than the  
 2989 Learning Gains of similarly situated students enrolled in nearby  
 2990 district public schools. The waiver is valid for 1 year and may  
 2991 only be granted once. Charter schools that have been in  
 2992 operation for more than 5 years are not eligible for a waiver  
 2993 under this sub-subparagraph.

2994  
 2995 The sponsor shall notify the charter school's governing board,  
 2996 the charter school principal, and the department in writing when  
 2997 a charter contract is terminated under this subparagraph. The  
 2998 letter of termination must meet the requirements of paragraph  
 2999 (8) (c). A charter terminated under this subparagraph must follow  
 3000 the procedures for dissolution and reversion of public funds

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3001 pursuant to paragraphs (8)(e)-(g) and (9)(o).

3002 ~~4.5-~~ The director and a representative of the governing  
 3003 board of a graded charter school that has implemented a school  
 3004 improvement plan under this paragraph shall appear before the  
 3005 sponsor at least once a year to present information regarding  
 3006 the progress of intervention and support strategies implemented  
 3007 by the school pursuant to the school improvement plan and  
 3008 corrective actions, if applicable. The sponsor shall communicate  
 3009 at the meeting, and in writing to the director, the services  
 3010 provided to the school to help the school address its  
 3011 deficiencies.

3012 ~~5.6-~~ Notwithstanding any provision of this paragraph  
 3013 except sub-subparagraphs 3.a.-c. ~~4.a.-e.~~, the sponsor may  
 3014 terminate the charter at any time pursuant to subsection (8).

3015 (10) ELIGIBLE STUDENTS.—

3016 (a) A charter school may be exempt from the requirements  
 3017 of s. 1002.31 if the school is ~~shall be~~ open to any student  
 3018 covered in an interdistrict agreement and any student ~~or~~  
 3019 residing in the school district in which the charter school is  
 3020 located. ~~+~~ However, in the case of a charter lab school, the  
 3021 charter lab school shall be open to any student eligible to  
 3022 attend the lab school as provided in s. 1002.32 or who resides  
 3023 in the school district in which the charter lab school is  
 3024 located. Any eligible student shall be allowed interdistrict  
 3025 transfer to attend a charter school when based on good cause.

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3026 Good cause shall include, but is not limited to, geographic  
 3027 proximity to a charter school in a neighboring school district.

3028 (12) EMPLOYEES OF CHARTER SCHOOLS.—

3029 (h) For the purposes of tort liability, the charter  
 3030 school, including its governing body and employees, ~~of a charter~~  
 3031 ~~school~~ shall be governed by s. 768.28. This paragraph does not  
 3032 include any for-profit entity contracted by the charter school  
 3033 or its governing body.

3034 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may  
 3035 enter into cooperative agreements to form charter school  
 3036 cooperative organizations that may provide ~~the following~~  
 3037 services to further educational, operational, and administrative  
 3038 initiatives in which the participating charter schools share  
 3039 common interests: ~~charter school planning and development,~~  
 3040 ~~direct instructional services, and contracts with charter school~~  
 3041 ~~governing boards to provide personnel administrative services,~~  
 3042 ~~payroll services, human resource management, evaluation and~~  
 3043 ~~assessment services, teacher preparation, and professional~~  
 3044 ~~development.~~

3045 (17) FUNDING.—Students enrolled in a charter school,  
 3046 regardless of the sponsorship, shall be funded as if they are in  
 3047 a basic program or a special program, the same as students  
 3048 enrolled in other public schools in the school district. Funding  
 3049 for a charter lab school shall be as provided in s. 1002.32.

3050 (b) The basis for the agreement for funding students

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3051 enrolled in a charter school shall be the sum of the school  
3052 district's operating funds from the Florida Education Finance  
3053 Program as provided in s. 1011.62 and the General Appropriations  
3054 Act, including gross state and local funds, discretionary  
3055 lottery funds, and funds from the school district's current  
3056 operating discretionary millage levy; divided by total funded  
3057 weighted full-time equivalent students in the school district;  
3058 multiplied by the weighted full-time equivalent students for the  
3059 charter school. Charter schools whose students or programs meet  
3060 the eligibility criteria in law are entitled to their  
3061 proportionate share of categorical program funds included in the  
3062 total funds available in the Florida Education Finance Program  
3063 by the Legislature, including transportation, the research-based  
3064 reading allocation, and the Florida digital classrooms  
3065 allocation. Total funding for each charter school shall be  
3066 recalculated during the year to reflect the revised calculations  
3067 under the Florida Education Finance Program by the state and the  
3068 actual weighted full-time equivalent students reported by the  
3069 charter school during the full-time equivalent student survey  
3070 periods designated by the Commissioner of Education. For charter  
3071 schools operated by a not-for-profit or municipal entity, any  
3072 unrestricted current and capital assets identified in the  
3073 charter school's annual financial audit may be used for other  
3074 charter schools operated by the not-for-profit or municipal  
3075 entity within the school district. Unrestricted current assets



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3076 shall be used in accordance with s. 1011.62 and any unrestricted  
 3077 capital assets shall be used in accordance with s. 1013.62(2).

3078 ~~(c) If the district school board is providing programs or~~  
 3079 ~~services to students funded by federal funds, any eligible~~  
 3080 ~~students enrolled in charter schools in the school district~~  
 3081 ~~shall be provided federal funds for the same level of service~~  
 3082 ~~provided students in the schools operated by the district school~~  
 3083 ~~board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all~~  
 3084 charter schools shall receive all federal funding for which the  
 3085 school is otherwise eligible, including Title I funding, not  
 3086 later than 5 months after the charter school first opens and  
 3087 within 5 months after any subsequent expansion of enrollment.  
 3088 Unless otherwise mutually agreed to by the charter school and  
 3089 its sponsor, and consistent with state and federal rules and  
 3090 regulations governing the use and disbursement of federal funds,  
 3091 the sponsor shall reimburse the charter school on a monthly  
 3092 basis for all invoices submitted by the charter school for  
 3093 federal funds available to the sponsor for the benefit of the  
 3094 charter school, the charter school's students, and the charter  
 3095 school's students as public school students in the school  
 3096 district. Such federal funds include, but are not limited to,  
 3097 Title I, Title II, and Individuals with Disabilities Education  
 3098 Act (IDEA) funds. To receive timely reimbursement for an  
 3099 invoice, the charter school must submit the invoice to the  
 3100 sponsor at least 30 days before the monthly date of

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3101 reimbursement set by the sponsor. In order to be reimbursed, any  
 3102 expenditures made by the charter school must comply with all  
 3103 applicable state rules and federal regulations, including, but  
 3104 not limited to, the applicable federal Office of Management and  
 3105 Budget Circulars; the federal Education Department General  
 3106 Administrative Regulations; and program-specific statutes,  
 3107 rules, and regulations. Such funds may not be made available to  
 3108 the charter school until a plan is submitted to the sponsor for  
 3109 approval of the use of the funds in accordance with applicable  
 3110 federal requirements. The sponsor has 30 days to review and  
 3111 approve any plan submitted pursuant to this paragraph.

3112 (18) FACILITIES.—

3113 (a) A startup charter school shall utilize facilities  
 3114 which comply with the Florida Building Code pursuant to chapter  
 3115 553 except for the State Requirements for Educational  
 3116 Facilities. Conversion charter schools shall utilize facilities  
 3117 that comply with the State Requirements for Educational  
 3118 Facilities provided that the school district and the charter  
 3119 school have entered into a mutual management plan for the  
 3120 reasonable maintenance of such facilities. The mutual management  
 3121 plan shall contain a provision by which the district school  
 3122 board agrees to maintain charter school facilities in the same  
 3123 manner as its other public schools within the district. Charter  
 3124 schools, with the exception of conversion charter schools, are  
 3125 not required to comply, but may choose to comply, with the State

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3126 Requirements for Educational Facilities of the Florida Building  
3127 Code adopted pursuant to s. 1013.37. The local governing  
3128 authority shall not adopt or impose any local building  
3129 requirements or site-development restrictions, such as parking  
3130 and site-size criteria, student enrollment, and occupant load,  
3131 that are addressed by and more stringent than those found in the  
3132 State Requirements for Educational Facilities of the Florida  
3133 Building Code. A local governing authority must treat charter  
3134 schools equitably in comparison to similar requirements,  
3135 restrictions, and site planning processes imposed upon public  
3136 schools that are not charter schools. The agency having  
3137 jurisdiction for inspection of a facility and issuance of a  
3138 certificate of occupancy or use shall be the local municipality  
3139 or, if in an unincorporated area, the county governing  
3140 authority. If an official or employee of the local governing  
3141 authority refuses to comply with this paragraph, the aggrieved  
3142 school or entity has an immediate right to bring an action in  
3143 circuit court to enforce its rights by injunction. An aggrieved  
3144 party that receives injunctive relief may be awarded attorney  
3145 fees and court costs.

3146 (c) Any facility, or portion thereof, used to house a  
3147 charter school whose charter has been approved by the sponsor  
3148 and the governing board, pursuant to subsection (7), shall be  
3149 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
3150 community service, museum, performing arts, theatre, cinema,

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3151 church, Florida College System institution, college, and  
 3152 university facilities may provide space to charter schools  
 3153 within their facilities under their preexisting zoning and land  
 3154 use designations without obtaining a special exception,  
 3155 rezoning, or a land use change.

3156 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
 3157 for capital outlay funds pursuant to ss. 1011.71(2) and ~~ss.~~  
 3158 1013.62. Capital outlay funds authorized in ss. 1011.71(2) and  
 3159 1013.62 which have been shared with a charter school-in-the-  
 3160 workplace prior to July 1, 2010, are deemed to have met the  
 3161 authorized expenditure requirements for such funds.

3162 (20) SERVICES.—

3163 (a)1. A sponsor shall provide certain administrative and  
 3164 educational services to charter schools. These services shall  
 3165 include contract management services; full-time equivalent and  
 3166 data reporting services; exceptional student education  
 3167 administration services; services related to eligibility and  
 3168 reporting duties required to ensure that school lunch services  
 3169 under the National School ~~federal~~ Lunch Program, consistent with  
 3170 the needs of the charter school, are provided by the school  
 3171 district at the request of the charter school, that any funds  
 3172 due to the charter school under the National School ~~federal~~  
 3173 Lunch Program be paid to the charter school as soon as the  
 3174 charter school begins serving food under the National School  
 3175 ~~federal~~ Lunch Program, and that the charter school is paid at

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3176 | the same time and in the same manner under the National School  
 3177 | ~~federal~~ Lunch Program as other public schools serviced by the  
 3178 | sponsor or the school district; test administration services,  
 3179 | including payment of the costs of state-required or district-  
 3180 | required student assessments; processing of teacher certificate  
 3181 | data services; and information services, including equal access  
 3182 | to student information systems that are used by public schools  
 3183 | in the district in which the charter school is located. Student  
 3184 | performance data for each student in a charter school,  
 3185 | including, but not limited to, FCAT scores, standardized test  
 3186 | scores, previous public school student report cards, and student  
 3187 | performance measures, shall be provided by the sponsor to a  
 3188 | charter school in the same manner provided to other public  
 3189 | schools in the district.

3190 |       2. A sponsor may withhold an administrative fee for the  
 3191 | provision of such services which shall be a percentage of the  
 3192 | available funds defined in paragraph (17) (b) calculated based on  
 3193 | weighted full-time equivalent students. If the charter school  
 3194 | serves 75 percent or more exceptional education students as  
 3195 | defined in s. 1003.01(3), the percentage shall be calculated  
 3196 | based on unweighted full-time equivalent students. The  
 3197 | administrative fee shall be calculated as follows:

3198 |       a. Up to 5 percent for:

3199 |       (I) Enrollment of up to and including 250 students in a  
 3200 | charter school as defined in this section.

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3201 (II) Enrollment of up to and including 500 students within  
 3202 a charter school system which meets all of the following:

3203 (A) Includes conversion charter schools and nonconversion  
 3204 charter schools.

3205 (B) Has all of its schools located in the same county.

3206 (C) Has a total enrollment exceeding the total enrollment  
 3207 of at least one school district in the state.

3208 (D) Has the same governing board for all of its schools.

3209 (E) Does not contract with a for-profit service provider  
 3210 for management of school operations.

3211 (III) Enrollment of up to and including 250 students in a  
 3212 virtual charter school.

3213 b. Up to 2 percent for enrollment of up to and including  
 3214 250 students in a high-performing charter school as defined in  
 3215 s. 1002.331.

3216 3. A sponsor may not charge charter schools any additional  
 3217 fees or surcharges for administrative and educational services  
 3218 in addition to the maximum percentage of administrative fees  
 3219 withheld pursuant to this paragraph ~~A total administrative fee~~  
 3220 ~~for the provision of such services shall be calculated based~~  
 3221 ~~upon up to 5 percent of the available funds defined in paragraph~~  
 3222 ~~(17)(b) for all students, except that when 75 percent or more of~~  
 3223 ~~the students enrolled in the charter school are exceptional~~  
 3224 ~~students as defined in s. 1003.01(3), the 5 percent of those~~  
 3225 ~~available funds shall be calculated based on unweighted full-~~

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3226 ~~time equivalent students. However, a sponsor may only withhold~~  
 3227 ~~up to a 5 percent administrative fee for enrollment for up to~~  
 3228 ~~and including 250 students. For charter schools with a~~  
 3229 ~~population of 251 or more students, the difference between the~~  
 3230 ~~total administrative fee calculation and the amount of the~~  
 3231 ~~administrative fee withheld may only be used for capital outlay~~  
 3232 ~~purposes specified in s. 1013.62(3).~~

3233 ~~3. For high-performing charter schools, as defined in s.~~  
 3234 ~~1002.331, a sponsor may withhold a total administrative fee of~~  
 3235 ~~up to 2 percent for enrollment up to and including 250 students~~  
 3236 ~~per school.~~

3237 ~~4. In addition, a sponsor may withhold only up to a 5-~~  
 3238 ~~percent administrative fee for enrollment for up to and~~  
 3239 ~~including 500 students within a system of charter schools which~~  
 3240 ~~meets all of the following:~~

- 3241 ~~a. Includes both conversion charter schools and~~
- 3242 ~~nonconversion charter schools;~~
- 3243 ~~b. Has all schools located in the same county;~~
- 3244 ~~c. Has a total enrollment exceeding the total enrollment~~
- 3245 ~~of at least one school district in the state;~~
- 3246 ~~d. Has the same governing board; and~~
- 3247 ~~e. Does not contract with a for-profit service provider~~
- 3248 ~~for management of school operations.~~

3249 ~~5. The difference between the total administrative fee~~  
 3250 ~~calculation and the amount of the administrative fee withheld~~

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3251 ~~pursuant to subparagraph 4. may be used for instructional and~~  
 3252 ~~administrative purposes as well as for capital outlay purposes~~  
 3253 ~~specified in s. 1013.62(3).~~

3254 ~~6. For a high-performing charter school system that also~~  
 3255 ~~meets the requirements in subparagraph 4., a sponsor may~~  
 3256 ~~withhold a 2-percent administrative fee for enrollments up to~~  
 3257 ~~and including 500 students per system.~~

3258 ~~7. Sponsors shall not charge charter schools any~~  
 3259 ~~additional fees or surcharges for administrative and educational~~  
 3260 ~~services in addition to the maximum 5-percent administrative fee~~  
 3261 ~~withheld pursuant to this paragraph.~~

3262 ~~8. The sponsor of a virtual charter school may withhold a~~  
 3263 ~~fee of up to 5 percent. The funds shall be used to cover the~~  
 3264 ~~cost of services provided under subparagraph 1. and~~  
 3265 ~~implementation of the school district's digital classrooms plan~~  
 3266 ~~pursuant to s. 1011.62.~~

3267 (b) If goods and services are made available to the  
 3268 charter school through the contract with the school district,  
 3269 they shall be provided to the charter school at a rate no  
 3270 greater than the district's actual cost unless mutually agreed  
 3271 upon by the charter school and the sponsor in a contract  
 3272 negotiated separately from the charter. When mediation has  
 3273 failed to resolve disputes over contracted services or  
 3274 contractual matters not included in the charter, an appeal may  
 3275 be made for a dispute resolution hearing before the Charter



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3276 School Appeal Commission. To maximize the use of state funds,  
 3277 school districts shall allow charter schools to participate in  
 3278 the sponsor's bulk purchasing program if applicable.

3279 (c) Transportation of charter school students shall be  
 3280 provided by the charter school consistent with the requirements  
 3281 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
 3282 body of the charter school may provide transportation through an  
 3283 agreement or contract with the district school board, a private  
 3284 provider, or parents. The charter school and the sponsor shall  
 3285 cooperate in making arrangements that ensure that transportation  
 3286 is not a barrier to equal access for all students residing  
 3287 within a reasonable distance of the charter school as determined  
 3288 in its charter.

3289 (d) Each charter school shall annually complete and submit  
 3290 a survey, provided in a format specified by the Department of  
 3291 Education, to rate the timeliness and quality of services  
 3292 provided by the district in accordance with this section. The  
 3293 department shall compile the results, by district, and include  
 3294 the results in the report required under sub-sub-subparagraph  
 3295 (5) (b) 1.k. (III) .

3296 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

3297 (a) The Department of Education shall provide information  
 3298 to the public, directly and through sponsors, on how to form and  
 3299 operate a charter school and how to enroll in a charter school  
 3300 once it is created. This information shall include the standard

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3301 ~~a model~~ application form, standard charter contract, standard  
 3302 evaluation instrument, and standard charter renewal contract,  
 3303 which shall include the information specified in subsection (7)  
 3304 and shall be developed by consulting and negotiating with both  
 3305 school districts and charter schools before implementation. The  
 3306 charter and charter renewal contracts shall be used by charter  
 3307 school sponsors.

3308 (b)1. The Department of Education shall report to each  
 3309 charter school receiving a school grade pursuant to s. 1008.34  
 3310 or a school improvement rating pursuant to s. 1008.341 the  
 3311 school's student assessment data.

3312 2. The charter school shall report the information in  
 3313 subparagraph 1. to each parent of a student at the charter  
 3314 school, the parent of a child on a waiting list for the charter  
 3315 school, the district in which the charter school is located, and  
 3316 the governing board of the charter school. This paragraph does  
 3317 not abrogate the provisions of s. 1002.22, relating to student  
 3318 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
 3319 Educational Rights and Privacy Act.

3320 ~~3.a. Pursuant to this paragraph, the Department of~~  
 3321 ~~Education shall compare the charter school student performance~~  
 3322 ~~data for each charter school in subparagraph 1. with the student~~  
 3323 ~~performance data in traditional public schools in the district~~  
 3324 ~~in which the charter school is located and other charter schools~~  
 3325 ~~in the state. For alternative charter schools, the department~~

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3326 ~~shall compare the student performance data described in this~~  
 3327 ~~paragraph with all alternative schools in the state. The~~  
 3328 ~~comparative data shall be provided by the following grade~~  
 3329 ~~groupings:~~

- 3330 ~~(I) Grades 3 through 5;~~
- 3331 ~~(II) Grades 6 through 8; and~~
- 3332 ~~(III) Grades 9 through 11.~~

3333 ~~b. Each charter school shall provide the information~~  
 3334 ~~specified in this paragraph on its Internet website and also~~  
 3335 ~~provide notice to the public at large in a manner provided by~~  
 3336 ~~the rules of the State Board of Education. The State Board of~~  
 3337 ~~Education shall adopt rules to administer the notice~~  
 3338 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~  
 3339 ~~120.54. The website shall include, through links or actual~~  
 3340 ~~content, other information related to school performance.~~

3341 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 3342 SCHOOL SYSTEMS.—

3343 (a) A charter school system's governing board shall be  
 3344 designated a local educational agency for the purpose of  
 3345 receiving federal funds, the same as though the charter school  
 3346 system were a school district, if the governing board of the  
 3347 charter school system has adopted and filed a resolution with  
 3348 its sponsoring district school board and the Department of  
 3349 Education in which the governing board of the charter school  
 3350 system accepts the full responsibility for all local education

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3351 agency requirements and the charter school system meets all of  
 3352 the following:

3353 ~~(a) Includes both conversion charter schools and~~  
 3354 ~~nonconversion charter schools;~~

3355 1.(b) Has all schools located in the same county;

3356 2.(e) Has a total enrollment exceeding the total  
 3357 enrollment of at least one school district in the state; and

3358 3.(d) Has the same governing board. ~~;~~ and

3359 (b) A charter school system's governing board may be  
 3360 designated a local educational agency for the purpose of  
 3361 receiving federal funds for all schools within a school district  
 3362 that are established pursuant to s. 1008.33 and are under the  
 3363 jurisdiction of the governing board. The governing board must  
 3364 adopt and file a resolution with its sponsoring district school  
 3365 board and the Department of Education and accept full  
 3366 responsibility for all local educational agency requirements.

3367 ~~(c) Does not contract with a for-profit service provider~~  
 3368 ~~for management of school operations.~~

3369  
 3370 Such designation does not apply to other provisions unless  
 3371 specifically provided in law.

3372 (28) RULEMAKING.—The Department of Education, after  
 3373 consultation with school districts and charter school directors,  
 3374 shall recommend that the State Board of Education adopt rules to  
 3375 implement specific subsections of this section. Such rules shall

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3376 require minimum paperwork and shall not limit charter school  
 3377 flexibility authorized by statute. The State Board of Education  
 3378 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
 3379 implement a standard charter model application form, standard  
 3380 application form for the replication of charter schools in a  
 3381 high-performing charter school system, standard evaluation  
 3382 instrument, and standard charter and charter renewal contracts  
 3383 in accordance with this section.

3384 Section 22. Paragraph (b) of subsection (2) of section  
 3385 1002.3305, Florida Statutes, is amended to read:

3386 1002.3305 College-preparatory Boarding Academy Pilot  
 3387 Program for at-risk students.—

3388 (2) DEFINITIONS.—As used in this section, the term:

3389 (b) "Eligible student" means a student who is a resident  
 3390 of the state and entitled to attend school in a participating  
 3391 school district, is at risk of academic failure, is currently  
 3392 enrolled in grades 5 through 12, if it is determined by the  
 3393 operator that a seat is available ~~grade 5 or 6~~, is from a family  
 3394 whose gross income is at or below 200 percent of the federal  
 3395 poverty guidelines, is eligible for benefits or services funded  
 3396 by Temporary Assistance for Needy Families (TANF) or Title IV-E  
 3397 of the Social Security Act, and meets at least one of the  
 3398 following additional risk factors:

3399 1. The child is in foster care or has been declared an  
 3400 adjudicated dependent by a court.

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3401           2. The student's head of household is not the student's  
3402 custodial parent.

3403           3. The student resides in a household that receives a  
3404 housing voucher or has been determined eligible for public  
3405 housing assistance.

3406           4. A member of the student's immediate family has been  
3407 incarcerated.

3408           5. The child is covered under the terms of the state's  
3409 Child Welfare Waiver Demonstration project with the United  
3410 States Department of Health and Human Services.

3411           Section 23. Subsection (3) of section 1002.331, Florida  
3412 Statutes, is amended to read:

3413           1002.331 High-performing charter schools.—

3414           (3) (a) 1. A high-performing charter school may submit an  
3415 application pursuant to s. 1002.33(6) in any school district in  
3416 the state to establish and operate a new charter school that  
3417 will substantially replicate its educational program. An  
3418 application submitted by a high-performing charter school must  
3419 state that the application is being submitted pursuant to this  
3420 paragraph and must include the verification letter provided by  
3421 the Commissioner of Education pursuant to subsection (4).

3422           2. If the sponsor fails to act on the application within  
3423 90 ~~60~~ days after receipt, the application is deemed approved and  
3424 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~  
3425 ~~sponsor denies the application, the high-performing charter~~

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3426 ~~school may appeal pursuant to s. 1002.33(6).~~

3427 (b) A high-performing charter school may not establish  
 3428 more than one charter school within the state under paragraph  
 3429 (a) in any year. A subsequent application to establish a charter  
 3430 school under paragraph (a) may not be submitted unless each  
 3431 charter school established in this manner achieves high-  
 3432 performing charter school status. However, a high-performing  
 3433 charter school may establish more than one charter school within  
 3434 the state under paragraph (a) in any year if it operates in the  
 3435 area of a persistently low-performing school and serves students  
 3436 from that school.

3437 Section 24. Paragraph (b) of subsection (1) and paragraph  
 3438 (b) of subsection (2) of section 1002.332, Florida Statutes are  
 3439 amended, and paragraph (c) is added to subsection (2), to read:

3440 1002.332 High-performing charter school system.—

3441 (1) For purposes of this section, the term:

3442 (b) "High-performing charter school system" means an  
 3443 entity that:

3444 1. Operated at least three high-performing charter schools  
 3445 in the state during each of the previous 3 school years;

3446 2. Operated a system of charter schools in which at least  
 3447 50 percent of the charter schools were high-performing charter  
 3448 schools pursuant to s. 1002.331 and no charter school earned a  
 3449 school grade of "D" or "F" pursuant to s. 1008.34 in any of the  
 3450 previous 3 school years regardless of whether the entity

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3451 | currently operates the charter school, except that:

3452 |       a. If the entity assumed operation of a public school  
3453 | pursuant to s. 1008.33(4)(b)2. ~~1008.33(4)(b)3.~~ with a school  
3454 | grade of "F," that school's grade may not be considered in  
3455 | determining high-performing charter school system status for a  
3456 | period of 3 years.

3457 |       b. If the entity established a new charter school that  
3458 | served a student population the majority of which resided in a  
3459 | school zone served by a public school that earned a grade of "F"  
3460 | or three consecutive grades of "D" pursuant to s. 1008.34, that  
3461 | charter school's grade may not be considered in determining  
3462 | high-performing charter school system status if it attained and  
3463 | maintained a school grade that was higher than that of the  
3464 | public school serving that school zone within 3 years after  
3465 | establishment; and

3466 |       3. Did not receive a financial audit that revealed one or  
3467 | more of the financial emergency conditions set forth in s.  
3468 | 218.503(1) for any charter school assumed or established by the  
3469 | entity in the most recent 3 fiscal years for which such audits  
3470 | are available.

3471 |       (2)

3472 |       (b) A high-performing charter school system may replicate  
3473 | its high-performing charter schools in any school district in  
3474 | the state. The applicant must submit an application using the  
3475 | standard application form prepared by the Department of



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3476 Education which:

3477 1. Contains goals and objectives for improving student  
 3478 learning and a process for measuring student improvement. These  
 3479 goals and objectives must indicate how much academic improvement  
 3480 students are expected to demonstrate each year, how success will  
 3481 be evaluated, and the specific results to be attained through  
 3482 instruction.

3483 2. Contains an annual financial plan for each year  
 3484 requested by the charter for operation of the school for up to 5  
 3485 years. This plan must contain anticipated fund balances based on  
 3486 revenue projections, a spending plan based on projected revenue  
 3487 and expenses, and a description of controls that will safeguard  
 3488 finances and projected enrollment trends.

3489 3. Discloses the name of each applicant, governing board  
 3490 member, and all proposed education services providers; the name  
 3491 and sponsor of any charter school operated by each applicant,  
 3492 each governing board member, and each proposed education  
 3493 services provider that has closed and the reasons for the  
 3494 closure; and the academic and financial history of such charter  
 3495 schools, which the sponsor shall consider when deciding whether  
 3496 to approve or deny the application.

3497 (c) An application submitted by a high-performing charter  
 3498 school system must state that the application is being submitted  
 3499 pursuant to this section and must include the verification  
 3500 letter provided by the Commissioner of Education pursuant to

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3501 this subsection. If the sponsor fails to act on the application  
 3502 within 90 days after receipt, the application is deemed approved  
 3503 and the procedure in s. 1002.33(7) applies pursuant to s.  
 3504 1002.331(3).

3505 Section 25. Subsections (1) and (2) of section 1003.498,  
 3506 Florida Statutes, are amended to read:

3507 1003.498 School district virtual course offerings.—

3508 (1) School districts may deliver courses in the  
 3509 traditional school setting by personnel certified pursuant to s.  
 3510 1012.55 who provide direct instruction through virtual  
 3511 instruction or through blended learning courses consisting of  
 3512 both traditional classroom and online instructional techniques.  
 3513 Students in a blended learning course must be full-time students  
 3514 of the school pursuant to s. 1011.61(1)(a)1. ~~and receive the~~  
 3515 ~~online instruction in a classroom setting at the school.~~ The  
 3516 funding, performance, and accountability requirements for  
 3517 blended learning courses are the same as those for traditional  
 3518 courses. To facilitate the delivery and coding of blended  
 3519 learning courses, the department shall provide identifiers for  
 3520 existing courses to designate that they are being used for  
 3521 blended learning courses for the purpose of ensuring the  
 3522 efficient reporting of such courses. A district may report full-  
 3523 time equivalent student membership for credit earned by a  
 3524 student who is enrolled in a virtual education course provided  
 3525 by the district which is completed after the end of the regular

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3526 school year if the FTE is reported no later than the deadline  
 3527 for amending the final student membership report for that year.

3528 (2) School districts may offer virtual courses for  
 3529 students enrolled in the school district. These courses must be  
 3530 identified in the course code directory. Students ~~who meet the~~  
 3531 ~~eligibility requirements of s. 1002.455~~ may participate in these  
 3532 virtual course offerings pursuant to s. 1002.455.

3533 (a) Any ~~eligible~~ student who is enrolled in a school  
 3534 district may register and enroll in an online course offered by  
 3535 his or her school district.

3536 (b)1. Any ~~eligible~~ student who is enrolled in a school  
 3537 district may register and enroll in an online course offered by  
 3538 any other school district in the state. The school district in  
 3539 which the student completes the course shall report the  
 3540 student's completion of that course for funding pursuant to s.  
 3541 1011.61(1)(c)1.b.(VI), and the home school district shall not  
 3542 report the student for funding for that course.

3543 2. The full-time equivalent student membership calculated  
 3544 under this subsection is subject to the requirements in s.  
 3545 1011.61(4). The Department of Education shall establish  
 3546 procedures to enable interdistrict coordination for the delivery  
 3547 and funding of this online option.

3548 Section 26. Subsection (5), paragraph (j) of subsection  
 3549 (6), and paragraph (a) of subsection (8) of section 1007.35,  
 3550 Florida Statutes, are amended to read:

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3551 1007.35 Florida Partnership for Minority and  
 3552 Underrepresented Student Achievement.—

3553 (5) Each public high school, including, but not limited  
 3554 to, schools and alternative sites and centers of the Department  
 3555 of Juvenile Justice, shall provide for the administration of the  
 3556 Preliminary SAT/National Merit Scholarship Qualifying Test  
 3557 (PSAT/NMSQT), or the preliminary ACT ~~Aspire~~ to all enrolled 10th  
 3558 grade students. However, a written notice shall be provided to  
 3559 each parent which must ~~that shall~~ include the opportunity to  
 3560 exempt his or her child from taking the PSAT/NMSQT or the  
 3561 preliminary ACT ~~Aspire~~.

3562 (a) Test results will provide each high school with a  
 3563 database of student assessment data which certified school  
 3564 counselors will use to identify students who are prepared or who  
 3565 need additional work to be prepared to enroll and be successful  
 3566 in AP courses or other advanced high school courses.

3567 (b) Funding for the PSAT/NMSQT or the preliminary ACT  
 3568 ~~Aspire~~ for all 10th grade students shall be contingent upon  
 3569 annual funding in the General Appropriations Act.

3570 (c) Public school districts must choose either the  
 3571 PSAT/NMSQT or the preliminary ACT ~~Aspire~~ for districtwide  
 3572 administration.

3573 (6) The partnership shall:

3574 (j) Provide information to students, parents, teachers,  
 3575 counselors, administrators, districts, Florida College System

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3576 institutions, and state universities regarding PSAT/NMSQT or the  
 3577 preliminary ACT ~~Aspire~~ administration, including, but not  
 3578 limited to:

- 3579 1. Test administration dates and times.
- 3580 2. That participation in the PSAT/NMSQT or the preliminary  
 3581 ACT ~~Aspire~~ is open to all 10th grade students.
- 3582 3. The value of such tests in providing diagnostic  
 3583 feedback on student skills.
- 3584 4. The value of student scores in predicting the  
 3585 probability of success on AP or other advanced course  
 3586 examinations.

3587 (8) (a) By September 30 of each year, the partnership shall  
 3588 submit to the department a report that contains an evaluation of  
 3589 the effectiveness of the delivered services and activities.  
 3590 Activities and services must be evaluated on their effectiveness  
 3591 at raising student achievement and increasing the number of AP  
 3592 or other advanced course examinations in low-performing middle  
 3593 and high schools. Other indicators that must be addressed in the  
 3594 evaluation report include the number of middle and high school  
 3595 teachers trained; the effectiveness of the training; measures of  
 3596 postsecondary readiness of the students affected by the program;  
 3597 levels of participation in 10th grade PSAT/NMSQT or the  
 3598 preliminary ACT ~~Aspire~~ testing; and measures of student, parent,  
 3599 and teacher awareness of and satisfaction with the services of  
 3600 the partnership.

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3601 Section 27. Paragraph (d) of subsection (3) of section  
 3602 1008.34, Florida Statutes, is amended to read:

3603 1008.34 School grading system; school report cards;  
 3604 district grade.—

3605 (3) DESIGNATION OF SCHOOL GRADES.—

3606 (d) The data performance of students attending alternative  
 3607 schools, ~~and~~ students designated as hospital or homebound, and  
 3608 students who transfer to a private school shall be factored into  
 3609 a school grade as follows:

3610 1. The student performance data for eligible students  
 3611 attending alternative schools that provide dropout prevention  
 3612 and academic intervention services pursuant to s. 1003.53 shall  
 3613 be included in the calculation of the home school's grade. The  
 3614 term "eligible students" in this subparagraph does not include  
 3615 students attending an alternative school who are subject to  
 3616 district school board policies for expulsion for repeated or  
 3617 serious offenses, who are in dropout retrieval programs serving  
 3618 students who have officially been designated as dropouts, or who  
 3619 are in programs operated or contracted by the Department of  
 3620 Juvenile Justice. As used in this subparagraph, the term "home  
 3621 school" means the school to which the student would be assigned  
 3622 if the student were not assigned to an alternative school. If an  
 3623 alternative school chooses to be graded under this section,  
 3624 student performance data for eligible students identified in  
 3625 this subparagraph shall not be included in the home school's

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3626 grade but shall be included only in the calculation of the  
 3627 alternative school's grade. A school district that fails to  
 3628 assign statewide, standardized end-of-course assessment scores  
 3629 of each of its students to his or her home school or to the  
 3630 alternative school that receives a grade shall forfeit Florida  
 3631 School Recognition Program funds for one fiscal year. School  
 3632 districts must require collaboration between the home school and  
 3633 the alternative school in order to promote student success. This  
 3634 collaboration must include an annual discussion between the  
 3635 principal of the alternative school and the principal of each  
 3636 student's home school concerning the most appropriate school  
 3637 assignment of the student.

3638         2. Student performance data for students designated as  
 3639 hospital or homebound shall be assigned to their home school for  
 3640 the purposes of school grades. As used in this subparagraph, the  
 3641 term "home school" means the school to which a student would be  
 3642 assigned if the student were not assigned to a hospital or  
 3643 homebound program.

3644         3. A high school must include a student in its graduation  
 3645 rate if the student transfers from the high school to a private  
 3646 school with which the school district has a contractual  
 3647 relationship.

3648         Section 28. Subsection (3) of section 1008.341, Florida  
 3649 Statutes, is amended to read:

3650         1008.341 School improvement rating for alternative

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3651 schools.—

3652 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student  
3653 Learning Gains based on statewide, standardized assessments,  
3654 including retakes, administered under s. 1008.22 for all  
3655 eligible students who were assigned to and enrolled in the  
3656 school during the October or February FTE count and who have  
3657 assessment scores, concordant scores, or comparable scores for  
3658 the preceding school year shall be used in determining an  
3659 alternative school's school improvement rating. An alternative  
3660 school's rating shall be based on the following components:

3661 (a) The percentage of eligible students who make Learning  
3662 Gains in English Language Arts as measured by statewide,  
3663 standardized assessments under s. 1008.22(3).

3664 (b) The percentage of eligible students who make Learning  
3665 Gains in mathematics as measured by statewide, standardized  
3666 assessments under s. 1008.22(3).

3667  
3668 Student performance results of students who are subject to  
3669 district school board policies for expulsion for repeated or  
3670 serious offenses, who are in dropout retrieval programs serving  
3671 students who have officially been designated as dropouts, or who  
3672 are in programs operated or contracted by the Department of  
3673 Juvenile Justice may not be included in an alternative school's  
3674 school improvement rating.

3675 Section 29. Subsection (2) of section 1011.71, Florida



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3676 Statutes, is amended to read:

3677 1011.71 District school tax.—

3678 (2) In addition to the maximum millage levy as provided in  
 3679 subsection (1), each school board may levy not more than 1.5  
 3680 mills against the taxable value for school purposes for ~~district~~  
 3681 ~~schools, including~~ charter schools pursuant to s. 1013.62(3) and  
 3682 for district schools ~~at the discretion of the school board,~~ to  
 3683 fund:

3684 (a) New construction and remodeling projects, as set forth  
 3685 in s. 1013.64(3)(d) and (6)(b) ~~s. 1013.64(3)(b) and (6)(b)~~ and  
 3686 included in the district's educational plant survey pursuant to  
 3687 s. 1013.31, without regard to prioritization, sites and site  
 3688 improvement or expansion to new sites, existing sites, auxiliary  
 3689 facilities, athletic facilities, or ancillary facilities.

3690 (b) Maintenance, renovation, and repair of existing school  
 3691 plants or of leased facilities to correct deficiencies pursuant  
 3692 to s. 1013.15(2).

3693 (c) The purchase, lease-purchase, or lease of school  
 3694 buses.

3695 (d) The purchase, lease-purchase, or lease of new and  
 3696 replacement equipment; computer and device hardware and  
 3697 operating system software, ~~including electronic hardware and~~  
 3698 ~~other hardware devices~~ necessary for gaining access to or  
 3699 enhancing the use of electronic and digital instructional  
 3700 content and resources ~~or to facilitate the access to and the use~~

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3701 ~~of a school district's digital classrooms plan pursuant to s.~~  
 3702 ~~1011.62, excluding software other than the operating system~~  
 3703 ~~necessary to operate the hardware or device;~~ and enterprise  
 3704 resource software applications that are classified as capital  
 3705 assets in accordance with definitions of the Governmental  
 3706 Accounting Standards Board, have a useful life of at least 5  
 3707 years, and are used to support districtwide administration or  
 3708 state-mandated reporting requirements. Enterprise resource  
 3709 software may be acquired by annual license fees, maintenance  
 3710 fees, or lease agreements.

3711 (e) Payments for educational facilities and sites due  
 3712 under a lease-purchase agreement entered into by a district  
 3713 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
 3714 exceeding, in the aggregate, an amount equal to three-fourths of  
 3715 the proceeds from the millage levied by a district school board  
 3716 pursuant to this subsection. The three-fourths limit is waived  
 3717 for lease-purchase agreements entered into before June 30, 2009,  
 3718 by a district school board pursuant to this paragraph.

3719 (f) Payment of loans approved pursuant to ss. 1011.14 and  
 3720 1011.15.

3721 (g) Payment of costs directly related to complying with  
 3722 state and federal environmental statutes, rules, and regulations  
 3723 governing school facilities.

3724 (h) Payment of costs of leasing relocatable educational  
 3725 facilities, of renting or leasing educational facilities and

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3726 sites pursuant to s. 1013.15(2), or of renting or leasing  
 3727 buildings or space within existing buildings pursuant to s.  
 3728 1013.15(4).

3729 (i) Payment of the cost of school buses when a school  
 3730 district contracts with a private entity to provide student  
 3731 transportation services if the district meets the requirements  
 3732 of this paragraph.

3733 1. The district's contract must require that the private  
 3734 entity purchase, lease-purchase, or lease, and operate and  
 3735 maintain, one or more school buses of a specific type and size  
 3736 that meet the requirements of s. 1006.25.

3737 2. Each such school bus must be used for the daily  
 3738 transportation of public school students in the manner required  
 3739 by the school district.

3740 3. Annual payment for each such school bus may not exceed  
 3741 10 percent of the purchase price of the state pool bid.

3742 4. The proposed expenditure of the funds for this purpose  
 3743 must have been included in the district school board's notice of  
 3744 proposed tax for school capital outlay as provided in s.  
 3745 200.065(10).

3746 (j) Payment of the cost of the opening day collection for  
 3747 the library media center of a new school.

3748 (k) Payout of sick leave and annual leave accrued as of  
 3749 June 30, 2017, by individuals who are no longer employed by a  
 3750 school district that transfers to a charter school operator all

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3751 day-to-day classroom instruction responsibility for all full-  
 3752 time equivalent students funded under s. 1011.62. This paragraph  
 3753 expires July 1, 2018.

3754 Section 30. Subsection (2) of section 1013.54, Florida  
 3755 Statutes, is amended to read:

3756 1013.54 Cooperative development and use of satellite  
 3757 facilities by private industry and district school boards.—

3758 (2) The commissioner shall appoint a review committee to  
 3759 make recommendations and prioritize requests. If the project is  
 3760 approved by the commissioner, the commissioner shall include up  
 3761 to one-fourth of the cost of the project in the legislative  
 3762 capital outlay budget request, as provided in s. 1013.60, for  
 3763 the funding of capital outlay projects involving both  
 3764 educational and private industry. The commissioner shall  
 3765 prioritize any such projects for each fiscal year and,  
 3766 notwithstanding the provisions of s. 1013.64(3)(e) ~~s.~~  
 3767 ~~1013.64(3)(e)~~, limit the recommended state funding amount not to  
 3768 exceed 5 percent off the top of the total funds recommended  
 3769 pursuant to s. 1013.64(2) and (3).

3770 Section 31. Section 1013.62, Florida Statutes, is amended  
 3771 to read:

3772 1013.62 Charter schools capital outlay funding.—

3773 (1) Charter school capital outlay funding shall consist of  
 3774 revenue resulting from the discretionary millage authorized in  
 3775 s. 1011.71(2) and state funds when such funds are appropriated

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3776 in the General Appropriations Act.

3777 ~~(1) In each year in which funds are appropriated for~~  
 3778 ~~charter school capital outlay purposes, the Commissioner of~~  
 3779 ~~Education shall allocate the funds among eligible charter~~  
 3780 ~~schools as specified in this section.~~

3781 (a) To be eligible to receive capital outlay funds ~~for a~~  
 3782 ~~funding allocation~~, a charter school must:

3783 1.a. Have been in operation for 2 or more years;

3784 b. Be governed by a governing board established in the  
 3785 state for 2 ~~3~~ or more years which operates both charter schools  
 3786 and conversion charter schools within the state;

3787 c. Be an expanded feeder chain of a charter school within  
 3788 the same school district that is currently receiving charter  
 3789 school capital outlay funds;

3790 d. Have been accredited by a regional accrediting  
 3791 association as defined by State Board of Education rule ~~the~~  
 3792 ~~Commission on Schools of the Southern Association of Colleges~~  
 3793 ~~and Schools; or~~

3794 e. Serve students in facilities that are provided by a  
 3795 business partner for a charter school-in-the-workplace pursuant  
 3796 to s. 1002.33(15) (b) .

3797 2. Have an annual audit that does not reveal any of the  
 3798 financial emergency conditions provided in s. 218.503(1) for the  
 3799 most recent fiscal year for which such audit results are  
 3800 available.

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3801           3. Have satisfactory student achievement based on state  
3802 accountability standards applicable to the charter school.

3803           4. Have received final approval from its sponsor pursuant  
3804 to s. 1002.33 for operation during that fiscal year.

3805           5. Serve students in facilities that are not provided by  
3806 the charter school's sponsor.

3807           (b) A charter school is not eligible to receive capital  
3808 outlay funds ~~for a funding allocation~~ if it was created by the  
3809 conversion of a public school and operates in facilities  
3810 provided by the charter school's sponsor for a nominal fee, or  
3811 at no charge, or if it is directly or indirectly operated by the  
3812 school district.

3813           ~~(2)(e)~~ The department shall use the following calculation  
3814 methodology to allocate state funds appropriated in the General  
3815 Appropriations Act to eligible charter schools ~~The funding~~  
3816 ~~allocation for eligible charter schools shall be calculated as~~  
3817 ~~follows:~~

3818           ~~(a)1.~~ Eligible charter schools shall be grouped into  
3819 categories based on their student populations according to the  
3820 following criteria:

3821           ~~1.a.~~ Seventy-five percent or greater who are eligible for  
3822 free or reduced-price school meals under the National School  
3823 Lunch Program or, for schools operating programs under the  
3824 Community Eligibility Provision of the Healthy, Hunger-Free Kids  
3825 Act of 2010, an equivalent percentage of the student population

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3826 eligible for free and reduced-price meals as determined by  
3827 applying the multiplier authorized under the National School  
3828 Lunch Act, 42 U.S.C. s. 1759a(a)(1)(F)(vii), to the number of  
3829 students reported for direct certification ~~lunch.~~

3830 2.b. Twenty-five percent or greater with disabilities as  
3831 defined in state board rule and consistent with the requirements  
3832 of the Individuals with Disabilities Education Act.

3833 (b)2. If an eligible charter school does not meet the  
3834 criteria for either category under paragraph (a) subparagraph  
3835 1., its FTE shall be provided as the base amount of funding and  
3836 shall be assigned a weight of 1.0. An eligible charter school  
3837 that meets the criteria under subparagraph (a)1. or subparagraph  
3838 (a)2. sub-subparagraph 1.a. or sub-subparagraph 1.b. shall be  
3839 provided an additional 25 percent above the base funding amount,  
3840 and the total FTE shall be multiplied by a weight of 1.25. An  
3841 eligible charter school that meets the criteria under both  
3842 subparagraphs (a)1. and (a)2. sub-subparagraphs 1.a. and b.  
3843 shall be provided an additional 50 percent above the base  
3844 funding amount, and the FTE for that school shall be multiplied  
3845 by a weight of 1.5.

3846 (c)3. The state appropriation for charter school capital  
3847 outlay shall be divided by the total weighted FTE for all  
3848 eligible charter schools to determine the base charter school  
3849 per weighted FTE allocation amount. The per weighted FTE  
3850 allocation amount shall be multiplied by the weighted FTE to

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3851 determine each charter school's capital outlay allocation.

3852 (d) ~~(2)~~ ~~(a)~~ The department shall calculate the eligible

3853 charter school funding allocations. Funds shall be allocated

3854 using full-time equivalent membership from the second and third

3855 enrollment surveys and free and reduced-price school lunch data.

3856 The department shall recalculate the allocations periodically

3857 based on the receipt of revised information, on a schedule

3858 established by the Commissioner of Education.

3859 (e) ~~(b)~~ The department shall distribute capital outlay

3860 funds monthly, beginning in the first quarter of the fiscal

3861 year, based on one-twelfth of the amount the department

3862 reasonably expects the charter school to receive during that

3863 fiscal year. The commissioner shall adjust subsequent

3864 distributions as necessary to reflect each charter school's

3865 recalculated allocation.

3866 (3) If the school board levies the discretionary millage

3867 authorized in s. 1011.71(2), the department shall use the

3868 following calculation methodology to determine the amount of

3869 revenue that a school district must distribute to each eligible

3870 charter school:

3871 (a) Reduce the total discretionary millage revenue by the

3872 school district's annual debt service obligation incurred as of

3873 March 1, 2017, and any amount of participation requirement

3874 pursuant to s. 1013.64(2)(a)8. that is being satisfied by

3875 revenues raised by the discretionary millage.



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3876           (b) Divide the school district's adjusted discretionary  
 3877 millage revenue by the district's total capital outlay full-time  
 3878 equivalent membership and the total number of unweighted full-  
 3879 time equivalent students of each eligible charter school to  
 3880 determine a capital outlay allocation per full-time equivalent  
 3881 student.

3882           (c) Multiply the capital outlay allocation per full-time  
 3883 equivalent student by the total number of full-time equivalent  
 3884 students of each eligible charter school to determine the  
 3885 capital outlay allocation for each charter school.

3886           (d) If applicable, reduce the capital outlay allocation  
 3887 identified in paragraph (c) by the total amount of state funds  
 3888 allocated to each eligible charter school in subsection (2) to  
 3889 determine the maximum calculated capital outlay allocation.

3890           (e) School districts shall distribute capital outlay funds  
 3891 to charter schools no later than February 1 of each year,  
 3892 beginning on February 1, 2018, for the 2017-2018 fiscal year.

3893           (4)(3) A charter school's governing body may use charter  
 3894 school capital outlay funds for the following purposes:

3895           (a) Purchase of real property.

3896           (b) Construction of school facilities.

3897           (c) Purchase, lease-purchase, or lease of permanent or  
 3898 relocatable school facilities.

3899           (d) Purchase of vehicles to transport students to and from  
 3900 the charter school.

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3901 (e) Renovation, repair, and maintenance of school  
 3902 facilities that the charter school owns or is purchasing through  
 3903 a lease-purchase or long-term lease of 5 years or longer.

3904 ~~(f) Effective July 1, 2008, purchase, lease-purchase, or~~  
 3905 ~~lease of new and replacement equipment, and enterprise resource~~  
 3906 ~~software applications that are classified as capital assets in~~  
 3907 ~~accordance with definitions of the Governmental Accounting~~  
 3908 ~~Standards Board, have a useful life of at least 5 years, and are~~  
 3909 ~~used to support schoolwide administration or state-mandated~~  
 3910 ~~reporting requirements.~~

3911 (f)~~(g)~~ Payment of the cost of premiums for property and  
 3912 casualty insurance necessary to insure the school facilities.

3913 (g)~~(h)~~ Purchase, lease-purchase, or lease of driver's  
 3914 education vehicles; motor vehicles used for the maintenance or  
 3915 operation of plants and equipment; security vehicles; or  
 3916 vehicles used in storing or distributing materials and  
 3917 equipment.

3918 (h) Purchase, lease-purchase, or lease of computer and  
 3919 device hardware and operating system software necessary for  
 3920 gaining access to or enhancing the use of electronic and digital  
 3921 instructional content and resources; and enterprise resource  
 3922 software applications that are classified as capital assets in  
 3923 accordance with definitions of the Governmental Accounting  
 3924 Standards Board, have a useful life of at least 5 years, and are  
 3925 used to support schoolwide administration or state-mandated

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3926 | reporting requirements. Enterprise resource software may be  
 3927 | acquired by annual license fees, maintenance fees, or lease  
 3928 | agreement.

3929 | (i) Payment of the cost of the opening day collection for  
 3930 | the library media center of a new school.

3931 |  
 3932 | Conversion charter schools may use capital outlay funds received  
 3933 | through the reduction in the administrative fee provided in s.  
 3934 | 1002.33(20) for renovation, repair, and maintenance of school  
 3935 | facilities that are owned by the sponsor.

3936 | (5)~~(4)~~ If a charter school is nonrenewed or terminated,  
 3937 | any unencumbered funds and all equipment and property purchased  
 3938 | with district public funds shall revert to the ownership of the  
 3939 | district school board, as provided for in s. 1002.33(8)(e) and  
 3940 | (f). In the case of a charter lab school, any unencumbered funds  
 3941 | and all equipment and property purchased with university public  
 3942 | funds shall revert to the ownership of the state university that  
 3943 | issued the charter. The reversion of such equipment, property,  
 3944 | and furnishings shall focus on recoverable assets, but not on  
 3945 | intangible or irrecoverable costs such as rental or leasing  
 3946 | fees, normal maintenance, and limited renovations. The reversion  
 3947 | of all property secured with public funds is subject to the  
 3948 | complete satisfaction of all lawful liens or encumbrances. If  
 3949 | there are additional local issues such as the shared use of  
 3950 | facilities or partial ownership of facilities or property, these

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3951 issues shall be agreed to in the charter contract prior to the  
 3952 expenditure of funds.

3953 (6)~~(5)~~ The Commissioner of Education shall specify  
 3954 procedures for submitting and approving requests for funding  
 3955 under this section and procedures for documenting expenditures.

3956 (7)~~(6)~~ The annual legislative budget request of the  
 3957 Department of Education shall include a request for capital  
 3958 outlay funding for charter schools. The request shall be based  
 3959 on the projected number of students to be served in charter  
 3960 schools who meet the eligibility requirements of this section.

3961 Section 32. Effective upon this act becoming a law,  
 3962 paragraphs (a), (b), and (c) of subsection (3) and paragraphs  
 3963 (b) and (c) of subsection (6) of section 1013.64, Florida  
 3964 Statutes, are amended to read:

3965 1013.64 Funds for comprehensive educational plant needs;  
 3966 construction cost maximums for school district capital  
 3967 projects.—Allocations from the Public Education Capital Outlay  
 3968 and Debt Service Trust Fund to the various boards for capital  
 3969 outlay projects shall be determined as follows:

3970 (3) (a) Each district school board shall receive an amount  
 3971 from the Public Education Capital Outlay and Debt Service Trust  
 3972 Fund to be calculated by computing the capital outlay membership  
 3973 as determined by the department. Such membership must include,  
 3974 but is not limited to, prekindergarten through grade 12÷

3975 ~~1. K-12~~ students whose instruction is funded by the

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3976 Florida Education Finance Program and ~~prekindergarten~~  
 3977 ~~exceptional students~~ for whom the school district provides the  
 3978 educational facility, ~~except hospital- and homebound part-time~~  
 3979 ~~students; and~~

3980 ~~2. Students who are career education students, and adult~~  
 3981 ~~disabled students and who are enrolled in school district career~~  
 3982 ~~centers.~~

3983 (b) The capital outlay full-time equivalent membership  
 3984 shall be determined ~~for prekindergarten exceptional education~~  
 3985 ~~students, kindergarten through the 12th grade, and for career~~  
 3986 ~~centers~~ by counting the reported unweighted full-time equivalent  
 3987 student membership for the second and third surveys with each  
 3988 survey limited to 0.5 full-time equivalent student membership  
 3989 per student and comparing the results on a school-by-school  
 3990 basis with the Florida Inventory of School Houses. ~~If the prior~~  
 3991 ~~academic year's third survey count is higher than the current~~  
 3992 ~~year's second survey count when comparing the results on a~~  
 3993 ~~school-by-school basis with the Florida Inventory of School~~  
 3994 ~~Houses, the prior year's third survey count shall be used on a~~  
 3995 ~~school-by-school basis for determining the current capital~~  
 3996 ~~outlay membership. The Florida Inventory of School Houses shall~~  
 3997 ~~be updated with the current capital outlay membership count as~~  
 3998 ~~soon as practicable after verification of the capital outlay~~  
 3999 ~~membership.~~

4000 (c) The capital outlay full-time equivalent membership by

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4001 grade level organization shall be used in making calculations.  
4002 The capital outlay membership by grade level organization for  
4003 the 4th prior year must be used to compute the base-year  
4004 allocation. The capital outlay full-time equivalent membership  
4005 by grade-level organization for the prior year must be used to  
4006 compute the growth over the highest of the 3 years preceding the  
4007 prior year. From the total amount appropriated by the  
4008 Legislature pursuant to this subsection, 40 percent shall be  
4009 allocated among the base capital outlay full-time equivalent  
4010 membership and 60 percent among the growth capital outlay full-  
4011 time equivalent membership. The allocation within each of these  
4012 groups shall be prorated to the districts based upon each  
4013 district's percentage of base and growth capital outlay full-  
4014 time equivalent membership. The most recent 4-year capital  
4015 outlay full-time equivalent membership data shall be used in  
4016 each subsequent year's calculation for the allocation of funds  
4017 pursuant to this subsection. If a change, correction, or  
4018 recomputation of data during any year results in a reduction or  
4019 increase of the calculated amount previously allocated to a  
4020 district, the allocation to that district shall be adjusted  
4021 accordingly. If such recomputation results in an increase or  
4022 decrease of the calculated amount, such additional or reduced  
4023 amounts shall be added to or reduced from the district's future  
4024 appropriations. However, no change, correction, or recomputation  
4025 of data shall be made subsequent to 2 years following the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Exhibit "A"

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4026 | initial annual allocation.  
 4027 |         (6)  
 4028 |         (b)1. A district school board may not use funds from the  
 4029 | following sources: Public Education Capital Outlay and Debt  
 4030 | Service Trust Fund; School District and Community College  
 4031 | District Capital Outlay and Debt Service Trust Fund; Classrooms  
 4032 | First Program funds provided in s. 1013.68; nonvoted 1.5-mill  
 4033 | levy of ad valorem property taxes provided in s. 1011.71(2);  
 4034 | Classrooms for Kids Program funds provided in s. 1013.735;  
 4035 | District Effort Recognition Program funds provided in s.  
 4036 | 1013.736; or High Growth District Capital Outlay Assistance  
 4037 | Grant Program funds provided in s. 1013.738 for any new  
 4038 | construction of educational plant space with a total cost per  
 4039 | student station, including change orders, that equals more than:  
 4040 |         a. \$17,952 for an elementary school,  
 4041 |         b. \$19,386 for a middle school, or  
 4042 |         c. \$25,181 for a high school,  
 4043 |  
 4044 | (January 2006) as adjusted annually to reflect increases or  
 4045 | decreases in the Consumer Price Index.  
 4046 |         2. School districts shall maintain accurate documentation  
 4047 | related to the costs of all new construction of educational  
 4048 | plant space reported to the Department of Education pursuant to  
 4049 | paragraph (d). The Auditor General shall review the  
 4050 | documentation maintained by the school districts and verify

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4051 compliance with the limits under this paragraph during its  
 4052 scheduled operational audits of the school district. The  
 4053 department shall make the final determination on district  
 4054 compliance based on the recommendation of the Auditor General.

4055 3. The Office of Economic and Demographic Research, in  
 4056 consultation with the department, shall conduct a study of the  
 4057 cost per student station amounts using the most recent available  
 4058 information on construction costs. In this study, the costs per  
 4059 student station should represent the costs of classroom  
 4060 construction and administrative offices as well as the  
 4061 supplemental costs of core facilities, including required media  
 4062 centers, gymnasiums, music rooms, cafeterias and their  
 4063 associated kitchens and food service areas, vocational areas,  
 4064 and other defined specialty areas, including exceptional student  
 4065 education areas. The study must take into account appropriate  
 4066 cost-effectiveness factors in school construction and should  
 4067 include input from industry experts. The Office of Economic and  
 4068 Demographic Research must provide the results of the study and  
 4069 recommendations on the cost per student station to the Governor,  
 4070 the President of the Senate, and the Speaker of the House of  
 4071 Representatives no later than January 31, 2017.

4072 4. The Office of Program Policy Analysis and Government  
 4073 Accountability (OPPAGA) shall conduct a study of the State  
 4074 Requirements for Education Facilities (SREF) to identify current  
 4075 requirements that can be eliminated or modified in order to



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4076 decrease the cost of construction of educational facilities  
 4077 while ensuring student safety. OPPAGA must provide the results  
 4078 of the study, and an overall recommendation as to whether SREF  
 4079 should be retained, to the Governor, the President of the  
 4080 Senate, and the Speaker of the House of Representatives no later  
 4081 than January 31, 2017.

4082 5. Effective July 1, 2017, in addition to the funding  
 4083 sources listed in subparagraph 1., a district school board may  
 4084 not use funds from any sources for new construction of  
 4085 educational plant space with a total cost per student station,  
 4086 including change orders, which equals more than the current  
 4087 adjusted amounts provided in sub-subparagraphs 1.a.-c. which  
 4088 shall subsequently be adjusted annually to reflect increases or  
 4089 decreases in the Consumer Price Index. However, if a contract  
 4090 has been executed for architectural and design services or for  
 4091 construction management services before July 1, 2017, a district  
 4092 school board may use funds from any source for the new  
 4093 construction of educational plant space and such funds are  
 4094 exempt from the total cost per student station requirements.

4095 6. A district school board must not use funds from the  
 4096 Public Education Capital Outlay and Debt Service Trust Fund or  
 4097 the School District and Community College District Capital  
 4098 Outlay and Debt Service Trust Fund for any new construction of  
 4099 an ancillary plant that exceeds 70 percent of the average cost  
 4100 per square foot of new construction for all schools.

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4101 (c) Except as otherwise provided, new construction for  
 4102 which a contract has been executed for architectural and design  
 4103 services or for construction management services ~~initiated~~ by a  
 4104 district school board on or after July 1, 2017, may not exceed  
 4105 the cost per student station as provided in paragraph (b). A  
 4106 school district that exceeds the cost per student station  
 4107 provided in paragraph (b), as determined by the Auditor General,  
 4108 shall be subject to sanctions. If the Auditor General determines  
 4109 that the cost per student station overage is de minimus or due  
 4110 to extraordinary circumstances outside the control of the  
 4111 district, the sanctions shall not apply. The sanctions are as  
 4112 follows:

4113 1. The school district shall be ineligible for allocations  
 4114 from the Public Education Capital Outlay and Debt Service Trust  
 4115 Fund for the next 3 years in which the school district would  
 4116 have received allocations had the violation not occurred.

4117 2. The school district shall be subject to the supervision  
 4118 of a district capital outlay oversight committee. The oversight  
 4119 committee is authorized to approve all capital outlay  
 4120 expenditures of the school district, including new construction,  
 4121 renovations, and remodeling, for 3 fiscal years following the  
 4122 violation.

4123 a. Each oversight committee shall be composed of the  
 4124 following:

4125 (I) One appointee of the Commissioner of Education who has

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4126 | significant financial management, school facilities  
 4127 | construction, or related experience.

4128 | (II) One appointee of the office of the state attorney  
 4129 | with jurisdiction over the district.

4130 | (III) One appointee of the Chief Financial Officer who is  
 4131 | a licensed certified public accountant.

4132 | b. An appointee to the oversight committee may not be  
 4133 | employed by the school district; be a relative, as defined in s.  
 4134 | 1002.33(24)(a)2., of any school district employee; or be an  
 4135 | elected official. Each appointee must sign an affidavit  
 4136 | attesting to these conditions and affirming that no conflict of  
 4137 | interest exists in his or her oversight role.

4138 | Section 33. Paragraphs (b) and (f) of subsection (3) and  
 4139 | subsection (4) of section 1003.4282, Florida Statutes, are  
 4140 | amended to read:

4141 | 1003.4282 Requirements for a standard high school  
 4142 | diploma.—

4143 | (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
 4144 | REQUIREMENTS.—

4145 | (b) *Four credits in mathematics.*—A student must earn one  
 4146 | credit in Algebra I and one credit in Geometry. A student's  
 4147 | performance on the statewide, standardized Algebra I end-of-  
 4148 | course (EOC) assessment constitutes 30 percent of the student's  
 4149 | final course grade. A student must pass the statewide,  
 4150 | standardized Algebra I EOC assessment, or earn a comparative

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4151 score, in order to earn a standard high school diploma. A  
 4152 student's performance on the statewide, standardized Geometry  
 4153 EOC assessment constitutes 30 percent of the student's final  
 4154 course grade. ~~If the state administers a statewide, standardized~~  
 4155 ~~Algebra II assessment, a student selecting Algebra II must take~~  
 4156 ~~the assessment, and the student's performance on the assessment~~  
 4157 ~~constitutes 30 percent of the student's final course grade.~~ A  
 4158 student who earns an industry certification for which there is a  
 4159 statewide college credit articulation agreement approved by the  
 4160 State Board of Education may substitute the certification for  
 4161 one mathematics credit. Substitution may occur for up to two  
 4162 mathematics credits, except for Algebra I and Geometry.

4163 (f) *One credit in physical education.*—Physical education  
 4164 must include the integration of health. Participation in an  
 4165 interscholastic sport at the junior varsity or varsity level for  
 4166 two full seasons shall satisfy the one-credit requirement in  
 4167 physical education ~~if the student passes a competency test on~~  
 4168 ~~personal fitness with a score of "C" or better. The competency~~  
 4169 ~~test on personal fitness developed by the Department of~~  
 4170 ~~Education must be used.~~ A district school board may not require  
 4171 that the one credit in physical education be taken during the  
 4172 9th grade year. Completion of one semester with a grade of "C"  
 4173 or better in a marching band class, in a physical activity class  
 4174 that requires participation in marching band activities as an  
 4175 extracurricular activity, or in a dance class shall satisfy one-

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4176 half credit in physical education or one-half credit in  
 4177 performing arts. This credit may not be used to satisfy the  
 4178 personal fitness requirement or the requirement for adaptive  
 4179 physical education under an individual education plan (IEP) or  
 4180 504 plan. Completion of 2 years in a Reserve Officer Training  
 4181 Corps (R.O.T.C.) class, a significant component of which is  
 4182 drills, shall satisfy the one-credit requirement in physical  
 4183 education and the one-credit requirement in performing arts.  
 4184 This credit may not be used to satisfy the personal fitness  
 4185 requirement or the requirement for adaptive physical education  
 4186 under an IEP or 504 plan.

4187 (4) ONLINE COURSE REQUIREMENT.—At least one course within  
 4188 the 24 credits required under this section must be completed  
 4189 through online learning.

4190 (a) An online course taken in grade 6, grade 7, or grade 8  
 4191 fulfills the requirements of this subsection. The requirement is  
 4192 met through an online course offered by the Florida Virtual  
 4193 School, a virtual education provider approved by the State Board  
 4194 of Education, a high school, or an online dual enrollment  
 4195 course. A student who is enrolled in a full-time or part-time  
 4196 virtual instruction program under s. 1002.45 meets the  
 4197 requirement.

4198 (b) A district school board or a charter school governing  
 4199 board, as applicable, may allow a student ~~offer students the~~  
 4200 ~~following options~~ to satisfy the online course requirements of

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4201 this subsection by completing a blended learning course or  
 4202 ~~1. Completion of a course in which the a student earns a~~  
 4203 nationally recognized industry certification in information  
 4204 technology that is identified on the CAPE Industry Certification  
 4205 Funding List pursuant to s. 1008.44 or passing ~~passage of the~~  
 4206 information technology certification examination without  
 4207 enrolling enrollment in or completing completion of the  
 4208 corresponding course or courses, as applicable.

4209 ~~2. Passage of an online content assessment, without~~  
 4210 ~~enrollment in or completion of the corresponding course or~~  
 4211 ~~courses, as applicable, by which the student demonstrates skills~~  
 4212 ~~and competency in locating information and applying technology~~  
 4213 ~~for instructional purposes.~~

4214  
 4215 For purposes of this subsection, a school district may not  
 4216 require a student to take the online or blended learning course  
 4217 outside the school day or in addition to a student's courses for  
 4218 a given semester. This subsection does not apply to a student  
 4219 who has an individual education plan under s. 1003.57 which  
 4220 indicates that an online or blended learning course would be  
 4221 inappropriate or to an out-of-state transfer student who is  
 4222 enrolled in a Florida high school and has 1 academic year or  
 4223 less remaining in high school.

4224 Section 34. Paragraph (a) of subsection (1) of section  
 4225 1003.4285, Florida Statutes, is amended to read:

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4226 | 1003.4285 Standard high school diploma designations.—  
 4227 | (1) Each standard high school diploma shall include, as  
 4228 | applicable, the following designations if the student meets the  
 4229 | criteria set forth for the designation:  
 4230 | (a) *Scholar designation*.—In addition to the requirements  
 4231 | of s. 1003.4282, in order to earn the Scholar designation, a  
 4232 | student must satisfy the following requirements:  
 4233 | 1. Mathematics.—Earn one credit in Algebra II and one  
 4234 | credit in statistics or an equally rigorous course. Beginning  
 4235 | with students entering grade 9 in the 2014-2015 school year,  
 4236 | pass the ~~Algebra II and~~ Geometry statewide, standardized  
 4237 | assessment ~~assessments~~.  
 4238 | 2. Science.—Pass the statewide, standardized Biology I EOC  
 4239 | assessment and earn one credit in chemistry or physics and one  
 4240 | credit in a course equally rigorous to chemistry or physics.  
 4241 | However, a student enrolled in an Advanced Placement (AP),  
 4242 | International Baccalaureate (IB), or Advanced International  
 4243 | Certificate of Education (AICE) Biology course who takes the  
 4244 | respective AP, IB, or AICE Biology assessment and earns the  
 4245 | minimum score necessary to earn college credit as identified  
 4246 | pursuant to s. 1007.27(2) meets the requirement of this  
 4247 | subparagraph without having to take the statewide, standardized  
 4248 | Biology I EOC assessment.  
 4249 | 3. Social studies.—Pass the statewide, standardized United  
 4250 | States History EOC assessment. However, a student enrolled in an

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4251 AP, IB, or AICE course that includes United States History  
 4252 topics who takes the respective AP, IB, or AICE assessment and  
 4253 earns the minimum score necessary to earn college credit as  
 4254 identified pursuant to s. 1007.27(2) meets the requirement of  
 4255 this subparagraph without having to take the statewide,  
 4256 standardized United States History EOC assessment.

4257 4. Foreign language.—Earn two credits in the same foreign  
 4258 language.

4259 5. Electives.—Earn at least one credit in an Advanced  
 4260 Placement, an International Baccalaureate, an Advanced  
 4261 International Certificate of Education, or a dual enrollment  
 4262 course.

4263 Section 35. Paragraphs (c) through (f) and paragraph (g)  
 4264 of subsection (7) of section 1008.22, Florida Statutes, are  
 4265 redesignated as paragraphs (d) through (g) and paragraph (i),  
 4266 respectively, subsections (8) through (12) are renumbered as  
 4267 subsections (9) through (13), respectively, paragraphs (a), (b),  
 4268 and (d) of subsection (3), paragraphs (a) and (b) and present  
 4269 paragraph (f) of subsection (7), and paragraph (e) of present  
 4270 subsection (11) are amended, new paragraphs (c) and (i) are  
 4271 added to subsection (7), and a new subsection (8) is added to  
 4272 that section, to read:

4273 1008.22 Student assessment program for public schools.—

4274 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
 4275 Commissioner of Education shall design and implement a



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4276 statewide, standardized assessment program aligned to the core  
4277 curricular content established in the Next Generation Sunshine  
4278 State Standards. The commissioner also must develop or select  
4279 and implement a common battery of assessment tools that will be  
4280 used in all juvenile justice education programs in the state.  
4281 These tools must accurately measure the core curricular content  
4282 established in the Next Generation Sunshine State Standards.  
4283 Participation in the assessment program is mandatory for all  
4284 school districts and all students attending public schools,  
4285 including adult students seeking a standard high school diploma  
4286 under s. 1003.4282 and students in Department of Juvenile  
4287 Justice education programs, except as otherwise provided by law.  
4288 If a student does not participate in the assessment program, the  
4289 school district must notify the student's parent and provide the  
4290 parent with information regarding the implications of such  
4291 nonparticipation. The statewide, standardized assessment program  
4292 shall be designed and implemented as follows:

4293 (a) *Statewide, standardized comprehensive assessments.*—The  
4294 statewide, standardized Reading assessment shall be administered  
4295 annually in grades 3 through 10. The statewide, standardized  
4296 Writing assessment shall be administered annually at least once  
4297 at the elementary, middle, and high school levels. When the  
4298 Reading and Writing assessments are replaced by English Language  
4299 Arts (ELA) assessments, ELA assessments shall be administered to  
4300 students in grades 3 through 10. Retake opportunities for the

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4301 grade 10 Reading assessment or, upon implementation, the grade  
 4302 10 ELA assessment must be provided. Students taking the ELA  
 4303 assessments shall not take the statewide, standardized  
 4304 assessments in Reading or Writing. ELA assessments shall be  
 4305 administered online. The statewide, standardized Mathematics  
 4306 assessments shall be administered annually in grades 3 through  
 4307 8. Students taking a revised Mathematics assessment shall not  
 4308 take the discontinued assessment. The statewide, standardized  
 4309 Science assessment shall be administered annually at least once  
 4310 at the elementary and middle grades levels. In order to earn a  
 4311 standard high school diploma, a student who has not earned a  
 4312 passing score on the grade 10 Reading assessment or, upon  
 4313 implementation, the grade 10 ELA assessment must earn a passing  
 4314 score on the assessment retake or earn a concordant score as  
 4315 authorized under subsection (9) ~~(8)~~.

4316 (b) *End-of-course (EOC) assessments.*—EOC assessments must  
 4317 be statewide, standardized, and developed or approved by the  
 4318 Department of Education as follows:

4319 1. EOC assessments for Algebra I, Geometry, ~~Algebra II,~~  
 4320 Biology I, United States History, and Civics shall be  
 4321 administered to students enrolled in such courses as specified  
 4322 in the course code directory.

4323 2. Students enrolled in a course, as specified in the  
 4324 course code directory, with an associated statewide,  
 4325 standardized EOC assessment must take the EOC assessment for

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4326 | such course and may not take the corresponding subject or grade-  
 4327 | level statewide, standardized assessment pursuant to paragraph  
 4328 | (a). Sections 1003.4156 and 1003.4282 govern the use of  
 4329 | statewide, standardized EOC assessment results for students.

4330 |         3. The commissioner may select one or more nationally  
 4331 | developed comprehensive examinations, which may include  
 4332 | examinations for a College Board Advanced Placement course,  
 4333 | International Baccalaureate course, or Advanced International  
 4334 | Certificate of Education course, or industry-approved  
 4335 | examinations to earn national industry certifications identified  
 4336 | in the CAPE Industry Certification Funding List, for use as EOC  
 4337 | assessments under this paragraph if the commissioner determines  
 4338 | that the content knowledge and skills assessed by the  
 4339 | examinations meet or exceed the grade-level expectations for the  
 4340 | core curricular content established for the course in the Next  
 4341 | Generation Sunshine State Standards. Use of any such examination  
 4342 | as an EOC assessment must be approved by the state board in  
 4343 | rule.

4344 |         4. Contingent upon funding provided in the General  
 4345 | Appropriations Act, including the appropriation of funds  
 4346 | received through federal grants, the commissioner may establish  
 4347 | an implementation schedule for the development and  
 4348 | administration of additional statewide, standardized EOC  
 4349 | assessments that must be approved by the state board in rule. If  
 4350 | approved by the state board, student performance on such

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4351 assessments constitutes 30 percent of a student's final course  
 4352 grade.

4353 5. All statewide, standardized EOC assessments must be  
 4354 administered online except as otherwise provided in paragraph  
 4355 (c).

4356 (d) *Implementation schedule.*—

4357 1. The Commissioner of Education shall establish and  
 4358 publish on the department's website an implementation schedule  
 4359 to transition from the statewide, standardized Reading and  
 4360 Writing assessments to the ELA assessments and to the revised  
 4361 Mathematics assessments, including the Algebra I and Geometry  
 4362 EOC assessments. The schedule must take into consideration  
 4363 funding, sufficient field and baseline data, access to  
 4364 assessments, instructional alignment, and school district  
 4365 readiness to administer the assessments online. All such  
 4366 assessments must be delivered through computer-based testing,  
 4367 however, the following assessments must be delivered in a  
 4368 computer-based format, as follows: ~~the grade 3 ELA assessment,~~  
 4369 ~~beginning in the 2017-2018 school year;~~ the grade 3 Mathematics  
 4370 assessment beginning in the 2016-2017 school year; the grade 4  
 4371 ELA assessment, beginning in the 2015-2016 school year; and the  
 4372 grade 4 Mathematics assessment, beginning in the 2016-2017  
 4373 school year. Notwithstanding the requirements of this  
 4374 subparagraph, statewide, standardized ELA and mathematics  
 4375 assessments in grades 3 through 6 must be delivered only in a

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4376 paper-based format, beginning with the 2017-2018 school year,  
 4377 and all such assessments must be paper-based no later than the  
 4378 2018-2019 school year.

4379 2. The Department of Education shall publish minimum and  
 4380 recommended technology requirements that include specifications  
 4381 for hardware, software, networking, security, and broadband  
 4382 capacity to facilitate school district compliance with the  
 4383 requirements of this section ~~requirement that assessments be~~  
 4384 ~~administered online.~~

4385 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

4386 (a) The Commissioner of Education shall establish  
 4387 schedules for the administration of statewide, standardized  
 4388 assessments and the reporting of student assessment results. The  
 4389 commissioner shall consider the observance of religious and  
 4390 school holidays when developing the schedules. The assessment  
 4391 and reporting schedules must provide the earliest possible  
 4392 reporting of student assessment results to the school districts,  
 4393 consistent with the requirements of paragraph (3)(g). Assessment  
 4394 results for the statewide, standardized ELA and mathematics  
 4395 assessments and all statewide, standardized EOC assessments must  
 4396 be made available no later than ~~the week of~~ June 30 ~~&~~, except  
 4397 for results for the grade 3 statewide, standardized ELA  
 4398 assessment, which must be made available no later than May 31 ~~of~~  
 4399 ~~assessments administered in the 2014-2015 school year.~~ School  
 4400 districts shall administer statewide, standardized assessments

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4401 in accordance with the schedule established by the commissioner.

4402 (b) By January ~~August~~ of each year, beginning in 2018  
 4403 ~~2016~~, the commissioner shall publish on the department's website  
 4404 a uniform calendar that includes the assessment and reporting  
 4405 schedules for, at a minimum, the next 2 school years. The  
 4406 uniform calendar must be provided to school districts in an  
 4407 electronic format that allows each school district and public  
 4408 school to populate the calendar with, at minimum, the following  
 4409 information for reporting the district assessment schedules  
 4410 under paragraph (d) ~~(e)~~:

- 4411 1. Whether the assessment is a district-required  
 4412 assessment or a state-required assessment.
- 4413 2. The specific date or dates that each assessment will be  
 4414 administered.
- 4415 3. The time allotted to administer each assessment.
- 4416 4. Whether the assessment is a computer-based assessment  
 4417 or a paper-based assessment.
- 4418 5. The grade level or subject area associated with the  
 4419 assessment.
- 4420 6. The date that the assessment results are expected to be  
 4421 available to teachers and parents.
- 4422 7. The type of assessment, the purpose of the assessment,  
 4423 and the use of the assessment results.
- 4424 8. A glossary of assessment terminology.
- 4425 9. Estimates of average time for administering state-

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4426 required and district-required assessments, by grade level.

4427 (c) Beginning with the 2018-2019 school year, the spring  
 4428 administration of the statewide, standardized assessments in  
 4429 paragraphs (3)(a) and (b), excluding assessment retakes, must be  
 4430 in accordance with the following schedule:

4431 1. The grade 3 statewide, standardized ELA assessment and  
 4432 the writing portion of the statewide, standardized ELA  
 4433 assessment for grades 4 through 10 must be administered no  
 4434 earlier than April 1 each year within an assessment window not  
 4435 to exceed 2 weeks.

4436 2. With the exception of assessments identified in  
 4437 subparagraph 1., any statewide, standardized assessment that is  
 4438 delivered in a paper-based format must be administered no  
 4439 earlier than May 1 each year within an assessment window not to  
 4440 exceed 2 weeks.

4441 3. With the exception of assessments identified in  
 4442 subparagraphs 1. and 2., any statewide, standardized assessment  
 4443 must be administered within a 4-week assessment window that  
 4444 opens no earlier than May 1 each year.

4445  
 4446 Each school district shall administer the assessments identified  
 4447 under subparagraphs 2. and 3. no earlier than 4 weeks before the  
 4448 last day of school for the district.

4449 (g) ~~(f)~~ A school district must provide a student's  
 4450 performance results on district-required local assessments to

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4451 the student's teachers within 1 week and to the student's  
 4452 parents no later than 30 days after administering such  
 4453 assessments, unless the superintendent determines in writing  
 4454 that extenuating circumstances exist and reports the extenuating  
 4455 circumstances to the district school board.

4456 (h) The results of statewide, standardized ELA and  
 4457 mathematics assessments, including assessment retakes, shall be  
 4458 reported in an easy-to-read and understandable format and  
 4459 delivered in time to provide useful, actionable information to  
 4460 students, parents, and each student's current teacher of record  
 4461 and teacher of record for the subsequent school year; however,  
 4462 in any case, the district shall provide the results pursuant to  
 4463 this paragraph within 1 week after receiving the results from  
 4464 the department. A report of student assessment results must, at  
 4465 a minimum, contain:

4466 1. A clear explanation of the student's performance on the  
 4467 applicable statewide, standardized assessments.

4468 2. Information identifying the student's areas of strength  
 4469 and areas in need of improvement.

4470 3. Specific actions that may be taken, and the available  
 4471 resources that may be used, by the student's parent to assist  
 4472 his or her child based on the student's areas of strength and  
 4473 areas in need of improvement.

4474 4. Longitudinal information, if available, on the  
 4475 student's progress in each subject area based on previous



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4476 statewide, standardized assessment data.

4477 5. Comparative information showing the student's score  
 4478 compared to other students in the school district, in the state,  
 4479 or, if available, in other states.

4480 6. Predictive information, if available, showing the  
 4481 linkage between the scores attained by the student on the  
 4482 statewide, standardized assessments and the scores he or she may  
 4483 potentially attain on nationally recognized college entrance  
 4484 examinations.

4485 (8) PUBLICATION OF ASSESSMENTS.— To promote transparency  
 4486 in the statewide assessment program, in any procurement for the  
 4487 ELA assessment in grades 3 through 10 and the mathematics  
 4488 assessment in grades 3 through 8, the Department of Education  
 4489 shall solicit cost proposals for publication of the state  
 4490 assessments on its website in accordance with this subsection.

4491 (a) The department shall publish each assessment  
 4492 administered under paragraph (3) (a) and subparagraph (3) (b)1.,  
 4493 excluding assessment retakes, at least once on a triennial basis  
 4494 pursuant to a schedule determined by the Commissioner of  
 4495 Education. Each assessment, when published, must have been  
 4496 administered during the most recent school year.

4497 (b) The initial publication of assessments must occur no  
 4498 later than June 30, 2021, subject to appropriation, and must  
 4499 include, at a minimum, the grade 3 ELA and mathematics  
 4500 assessments, the grade 10 ELA assessment, and the Algebra I EOC

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4501 assessment.

4502 (c) The department must provide materials on its website  
 4503 to help the public interpret assessment information published  
 4504 pursuant to this subsection.

4505 (12)~~(11)~~ REPORTS.—The Department of Education shall  
 4506 annually provide a report to the Governor, the President of the  
 4507 Senate, and the Speaker of the House of Representatives which  
 4508 shall include the following:

4509 (e) The number of students who after 8th grade enroll in  
 4510 adult education rather than other secondary education, which is  
 4511 defined as grades 9 through 12.

4512 Section 36. Paragraph (c) of subsection (1), paragraph (a)  
 4513 of subsection (3), and subsections (7), (8), and (9) of section  
 4514 1012.34, Florida Statutes, are amended to read:

4515 1012.34 Personnel evaluation procedures and criteria.—

4516 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

4517 (c) Annually, by February 1, the Commissioner of Education  
 4518 shall publish on the department's website the status of each  
 4519 school district's instructional personnel and school  
 4520 administrator evaluation systems. This information must include:

4521 ~~1.~~ performance evaluation results for the prior school  
 4522 year for instructional personnel and school administrators using  
 4523 the four levels of performance specified in paragraph (2) (e).

4524 The performance evaluation results for instructional personnel  
 4525 shall be disaggregated by classroom teachers, as defined in s.

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4526 1012.01(2)(a), excluding substitute teachers, and all other  
 4527 instructional personnel, as defined in s. 1012.01(2)(b)-(d).

4528 ~~2. An analysis that compares performance evaluation~~  
 4529 ~~results calculated by each school district to indicators of~~  
 4530 ~~performance calculated by the department using the standards for~~  
 4531 ~~performance levels adopted by the state board under subsection~~  
 4532 ~~(8).~~

4533 ~~3. Data reported under s. 1012.341.~~

4534 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
 4535 personnel and school administrator performance evaluations must  
 4536 be based upon the performance of students assigned to their  
 4537 classrooms or schools, as provided in this section. Pursuant to  
 4538 this section, a school district's performance evaluation system  
 4539 is not limited to basing unsatisfactory performance of  
 4540 instructional personnel and school administrators solely upon  
 4541 student performance, but may include other criteria to evaluate  
 4542 instructional personnel and school administrators' performance,  
 4543 or any combination of student performance and other criteria.  
 4544 Evaluation procedures and criteria must comply with, but are not  
 4545 limited to, the following:

4546 (a) A performance evaluation must be conducted for each  
 4547 employee at least once a year, except that a classroom teacher,  
 4548 as defined in s. 1012.01(2)(a), excluding substitute teachers,  
 4549 who is newly hired by the district school board must be observed  
 4550 and evaluated at least twice in the first year of teaching in

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4551 the school district. The performance evaluation must be based  
 4552 upon sound educational principles and contemporary research in  
 4553 effective educational practices. The evaluation criteria must  
 4554 include:

4555 1. Performance of students.—At least one-third of a  
 4556 performance evaluation must be based upon data and indicators of  
 4557 student performance, as determined by each school district ~~in~~  
 4558 ~~accordance with subsection (7)~~. This portion of the evaluation  
 4559 must include growth or achievement data of the teacher's  
 4560 students or, for a school administrator, the students attending  
 4561 the school over the course of at least 3 years. If less than 3  
 4562 years of data are available, the years for which data are  
 4563 available must be used. The proportion of growth or achievement  
 4564 data may be determined by instructional assignment.

4565 2. Instructional practice.—For instructional personnel, at  
 4566 least one-third of the performance evaluation must be based upon  
 4567 instructional practice. Evaluation criteria used when annually  
 4568 observing classroom teachers, as defined in s. 1012.01(2)(a),  
 4569 excluding substitute teachers, must include indicators based  
 4570 upon each of the Florida Educator Accomplished Practices adopted  
 4571 by the State Board of Education. For instructional personnel who  
 4572 are not classroom teachers, evaluation criteria must be based  
 4573 upon indicators of the Florida Educator Accomplished Practices  
 4574 and may include specific job expectations related to student  
 4575 support.

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4576           3. Instructional leadership.—For school administrators, at  
4577 least one-third of the performance evaluation must be based on  
4578 instructional leadership. Evaluation criteria for instructional  
4579 leadership must include indicators based upon each of the  
4580 leadership standards adopted by the State Board of Education  
4581 under s. 1012.986, including performance measures related to the  
4582 effectiveness of classroom teachers in the school, the  
4583 administrator's appropriate use of evaluation criteria and  
4584 procedures, recruitment and retention of effective and highly  
4585 effective classroom teachers, improvement in the percentage of  
4586 instructional personnel evaluated at the highly effective or  
4587 effective level, and other leadership practices that result in  
4588 student learning growth. The system may include a means to give  
4589 parents and instructional personnel an opportunity to provide  
4590 input into the administrator's performance evaluation.

4591           4. Other indicators of performance.—For instructional  
4592 personnel and school administrators, the remainder of a  
4593 performance evaluation may include, but is not limited to,  
4594 professional and job responsibilities as recommended by the  
4595 State Board of Education or identified by the district school  
4596 board and, for instructional personnel, peer reviews,  
4597 objectively reliable survey information from students and  
4598 parents based on teaching practices that are consistently  
4599 associated with higher student achievement, and other valid and  
4600 reliable measures of instructional practice.

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4601 (7) MEASUREMENT OF STUDENT PERFORMANCE.—  
 4602 (a) The Commissioner of Education shall approve a formula  
 4603 to measure individual student learning growth on the statewide,  
 4604 standardized assessments in English Language Arts and  
 4605 mathematics administered under s. 1008.22. A third party,  
 4606 independent of the assessment developer, must analyze student  
 4607 learning growth data calculated using the formula and provide  
 4608 access to a data visualization tool that enables teachers to  
 4609 understand and evaluate the data and school administrators to  
 4610 improve instruction, evaluate programs, allocate resources, plan  
 4611 professional development, and communicate with stakeholders. The  
 4612 formula must take into consideration each student's prior  
 4613 academic performance. The formula must not set different  
 4614 expectations for student learning growth based upon a student's  
 4615 gender, race, ethnicity, or socioeconomic status. In the  
 4616 development of the formula, the commissioner shall consider  
 4617 other factors such as a student's attendance record, disability  
 4618 status, or status as an English language learner. The  
 4619 commissioner may select additional formulas to measure student  
 4620 performance as appropriate for the remainder of the statewide,  
 4621 standardized assessments included under s. 1008.22 and continue  
 4622 to select formulas as new assessments are implemented in the  
 4623 state system. ~~After the commissioner approves the formula to~~  
 4624 ~~measure individual student learning growth, the State Board of~~  
 4625 ~~Education shall adopt these formulas in rule.~~

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4626           (b) Each school district may, but is not required to,  
 4627 ~~shall~~ measure student learning growth using the formulas  
 4628 approved by the commissioner under paragraph (a) ~~and the~~  
 4629 ~~standards for performance levels adopted by the state board~~  
 4630 ~~under subsection (8) for courses associated with the statewide,~~  
 4631 ~~standardized assessments administered under s. 1008.22 no later~~  
 4632 ~~than the school year immediately following the year the formula~~  
 4633 ~~is approved by the commissioner. For grades and subjects not~~  
 4634 ~~assessed by statewide, standardized assessments, each school~~  
 4635 ~~district shall measure student performance using a methodology~~  
 4636 ~~determined by the district.~~

4637           (8) RULEMAKING. ~~No later than August 1, 2015,~~ The State  
 4638 Board of Education shall adopt rules pursuant to ss. 120.536(1)  
 4639 and 120.54 which establish uniform procedures and format for the  
 4640 submission, review, and approval of district evaluation systems  
 4641 and reporting requirements for the annual evaluation of  
 4642 instructional personnel and school administrators; ~~specific,~~  
 4643 ~~discrete standards for each performance level required under~~  
 4644 ~~subsection (2), based on student learning growth models approved~~  
 4645 ~~by the commissioner, to ensure clear and sufficient~~  
 4646 ~~differentiation in the performance levels and to provide~~  
 4647 ~~consistency in meaning across school districts; the measurement~~  
 4648 ~~of student learning growth and associated implementation~~  
 4649 ~~procedures required under subsection (7); and a process for~~  
 4650 ~~monitoring school district implementation of evaluation systems~~

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4651 ~~in accordance with this section.~~

4652 ~~(9) TRANSITION TO NEW STATEWIDE, STANDARDIZED~~  
 4653 ~~ASSESSMENTS. Standards for each performance level required under~~  
 4654 ~~subsection (2) shall be established by the State Board of~~  
 4655 ~~Education beginning with the 2015-2016 school year.~~

4656 Section 37. The Commissioner of Education shall contract  
 4657 for an independent study to determine whether the SAT and ACT  
 4658 may be administered in lieu of the grade 10 statewide,  
 4659 standardized ELA assessment and the Algebra I end-of-course  
 4660 assessment for high school students consistent with federal  
 4661 requirements under 20 U.S.C. s. 6311(b) (2) (H). The commissioner  
 4662 shall submit a report containing the results of such review and  
 4663 any recommendations to the Governor, the President of the  
 4664 Senate, the Speaker of the House of Representatives, and the  
 4665 State Board of Education by January 1, 2018.

4666 Section 38. Effective upon this act becoming a law,  
 4667 subsections (18), (21), and (24) of section 1001.42, Florida  
 4668 Statutes, are amended to read:

4669 1001.42 Powers and duties of district school board.—The  
 4670 district school board, acting as a board, shall exercise all  
 4671 powers and perform all duties listed below:

4672 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
 4673 Maintain a system of school improvement and education  
 4674 accountability as provided by statute and State Board of  
 4675 Education rule. This system of school improvement and education



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4676 | accountability shall be consistent with, and implemented  
 4677 | through, the district's continuing system of planning and  
 4678 | budgeting required by this section and ss. 1008.385, 1010.01,  
 4679 | and 1011.01. This system of school improvement and education  
 4680 | accountability shall comply with the provisions of ss. 1008.33,  
 4681 | 1008.34, 1008.345, and 1008.385 and include the following:  
 4682 |       (a) *School improvement plans.*—  
 4683 |       ~~1.~~ The district school board shall annually approve and  
 4684 | require implementation of a new, amended, or continuation school  
 4685 | improvement plan for each school in the district which has a  
 4686 | school grade of "D" or "F"; ~~—If a school~~ has a significant gap  
 4687 | in achievement on statewide, standardized assessments  
 4688 | administered pursuant to s. 1008.22 by one or more student  
 4689 | subgroups, as defined in the federal Elementary and Secondary  
 4690 | Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not  
 4691 | significantly increased the percentage of students passing  
 4692 | statewide, standardized assessments; has not significantly  
 4693 | increased the percentage of students demonstrating Learning  
 4694 | Gains, as defined in s. 1008.34 and as calculated under s.  
 4695 | 1008.34(3)(b), who passed statewide, standardized assessments;  
 4696 | or has significantly lower graduation rates for a subgroup when  
 4697 | compared to the state's graduation rate. ~~The, that school's~~  
 4698 | improvement plan of a school that meets the requirements of this  
 4699 | paragraph shall include strategies for improving these results.  
 4700 | The state board shall adopt rules establishing thresholds and

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4701 for determining compliance with this subparagraph.

4702 ~~2. A school that includes any of grades 6, 7, or 8 shall~~  
4703 ~~include annually in its school improvement plan information and~~  
4704 ~~data on the school's early warning system required under~~  
4705 ~~paragraph (b), including a list of the early warning indicators~~  
4706 ~~used in the system, the number of students identified by the~~  
4707 ~~system as exhibiting two or more early warning indicators, the~~  
4708 ~~number of students by grade level that exhibit each early~~  
4709 ~~warning indicator, and a description of all intervention~~  
4710 ~~strategies employed by the school to improve the academic~~  
4711 ~~performance of students identified by the early warning system.~~  
4712 ~~In addition, a school that includes any of grades 6, 7, or 8~~  
4713 ~~shall describe in its school improvement plan the strategies~~  
4714 ~~used by the school to implement the instructional practices for~~  
4715 ~~middle grades emphasized by the district's professional~~  
4716 ~~development system pursuant to s. 1012.98(4)(b)9.~~

4717 (b) *Early warning system.*—

4718 1. A school that serves any students in kindergarten  
4719 through grade ~~includes any of grades 6, 7, or 8~~ shall implement  
4720 an early warning system to identify students in such grades ~~6,~~  
4721 ~~7, and 8~~ who need additional support to improve academic  
4722 performance and stay engaged in school. The early warning system  
4723 must include the following early warning indicators:

4724 a. Attendance below 90 percent, regardless of whether  
4725 absence is excused or a result of out-of-school suspension.

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4726           b. One or more suspensions, whether in school or out of  
 4727 school.  
 4728           c. Course failure in English Language Arts or mathematics  
 4729 during any grading period.  
 4730           d. A Level 1 score on the statewide, standardized  
 4731 assessments in English Language Arts or mathematics or, for  
 4732 students in kindergarten through grade 3, a substantial reading  
 4733 deficiency under s. 1008.25(5)(a).  
 4734  
 4735 A school district may identify additional early warning  
 4736 indicators for use in a school's early warning system. The  
 4737 system must include data on the number of students identified by  
 4738 the system as exhibiting two or more early warning indicators,  
 4739 the number of students by grade level who exhibit each early  
 4740 warning indicator, and a description of all intervention  
 4741 strategies employed by the school to improve the academic  
 4742 performance of students identified by the early warning system.  
 4743           2. A school-based team responsible for implementing the  
 4744 requirements of this paragraph shall monitor the data from the  
 4745 early warning system. The team may include a school  
 4746 psychologist. When a student exhibits two or more early warning  
 4747 indicators, the team, in consultation with the student's parent,  
 4748 shall school's child study team under s. 1003.02 or a school-  
 4749 based team formed for the purpose of implementing the  
 4750 requirements of this paragraph shall convene to determine

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4751 appropriate intervention strategies for the student unless the  
 4752 student is already being served by an intervention program at  
 4753 the direction of a school-based, multidisciplinary team. Data  
 4754 and information relating to a student's early warning indicators  
 4755 must be used to inform any intervention strategies provided to  
 4756 the student ~~The school shall provide at least 10 days' written~~  
 4757 ~~notice of the meeting to the student's parent, indicating the~~  
 4758 ~~meeting's purpose, time, and location, and provide the parent~~  
 4759 ~~the opportunity to participate.~~

4760 (21) EDUCATIONAL AUTHORITY TO DECLARE AN EMERGENCY. ~~May~~  
 4761 ~~declare an emergency in cases in which one or more schools in~~  
 4762 ~~the district are failing or are in danger of failing and~~  
 4763 Negotiate special provisions of its contract with the  
 4764 appropriate bargaining units to free ~~these~~ schools with a school  
 4765 grade of "D" or "F" from contract restrictions that limit the  
 4766 school's ability to implement programs and strategies needed to  
 4767 improve student performance. The negotiations shall result in a  
 4768 memorandum of understanding that addresses the selection,  
 4769 placement, and expectations of instructional personnel and  
 4770 provides principals with the autonomy described in s.  
 4771 1012.28(8). For purposes of this subsection, an educational  
 4772 emergency exists in a school district if one or more schools in  
 4773 the district have a school grade of "D" or "F."

4774 (24) EMPLOYMENT CONTRACTS.—  
 4775 (a) If a school district enters into a contract or

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4776 employment agreement, or renewal or renegotiation of an existing  
 4777 contract or employment agreement, with an officer, agent,  
 4778 employee, or contractor which contains a provision for severance  
 4779 pay, the contract or employment agreement must include the  
 4780 provisions of s. 215.425.

4781 (b) A district school board may not award an annual  
 4782 contract on the basis of any contingency or condition not  
 4783 expressly authorized in law by the Legislature or alter or limit  
 4784 its authority to award or not award an annual contract as  
 4785 provided in s. 1012.335. This paragraph applies only to a  
 4786 collective bargaining agreement entered into or renewed by a  
 4787 district school board on or after the effective date of this  
 4788 act.

4789 Section 39. Section 1001.4205, Florida Statutes, is  
 4790 created to read:

4791 1001.4205 Visitation of schools by an individual school  
 4792 board or charter school governing board member.—An individual  
 4793 member of a district school board may, on any day and at any  
 4794 time at his or her pleasure, visit any district school in his or  
 4795 her school district. An individual charter school governing  
 4796 board member may, on any day and at any time at his or her  
 4797 pleasure, visit any charter school governed by the charter  
 4798 school's governing board. The board member must sign in and sign  
 4799 out at the school's main office and wear his or her board  
 4800 identification badge at all times while present on school

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4801 premises. The board, the school, or any other person or entity,  
 4802 including, but not limited to, the principal of the school, the  
 4803 school superintendent, or any other board member, may not  
 4804 require the visiting board member to provide notice before  
 4805 visiting the school. The school may offer, but may not require,  
 4806 an escort to accompany a visiting board member during the visit.  
 4807 Another board member or a district employee, including, but not  
 4808 limited to, the superintendent, the school principal, or his or  
 4809 her designee, may not limit the duration or scope of the visit  
 4810 or direct a visiting board member to leave the premises. A  
 4811 board, district, or school administrative policy or practice may  
 4812 not prohibit or limit the authority granted to a board member  
 4813 under this section.

4814 Section 40. The Division of Law Revision and Information  
 4815 is directed to replace the phrase "the effective date of this  
 4816 act" wherever it occurs in this act with the date the act  
 4817 becomes a law.

4818 Section 41. Subsections (3), (4), and (5) of section  
 4819 1008.33, Florida Statutes, are amended to read:

4820 1008.33 Authority to enforce public school improvement.—

4821 (3) (a) The academic performance of all students has a  
 4822 significant effect on the state school system. Pursuant to Art.  
 4823 IX of the State Constitution, which prescribes the duty of the  
 4824 State Board of Education to supervise Florida's public school  
 4825 system, the state board shall equitably enforce the

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4826 | accountability requirements of the state school system and may  
 4827 | impose state requirements on school districts in order to  
 4828 | improve the academic performance of all districts, schools, and  
 4829 | students based upon the provisions of the Florida K-20 Education  
 4830 | Code, chapters 1000-1013; the federal ESEA and its implementing  
 4831 | regulations; and the ESEA flexibility waiver approved for  
 4832 | Florida by the United States Secretary of Education.

4833 |       (b) ~~Beginning with the 2011-2012 school year,~~ The  
 4834 | Department of Education shall annually identify each public  
 4835 | school in need of intervention and support to improve student  
 4836 | academic performance. All schools earning a grade of "D" or "F"  
 4837 | pursuant to s. 1008.34 are schools in need of intervention and  
 4838 | support.

4839 |       (c) The state board shall adopt by rule a differentiated  
 4840 | matrix of intervention and support strategies for assisting  
 4841 | traditional public schools identified under this section and  
 4842 | rules for implementing s. 1002.33(9)(n), relating to charter  
 4843 | schools. The intervention and support strategies must address  
 4844 | student performance and may include improvement planning;i;r  
 4845 | leadership quality improvement;i;r educator quality improvement;i;r  
 4846 | professional development;i;r curriculum review, alignment and  
 4847 | pacing, and alignment across grade levels to improve background  
 4848 | knowledge in social studies, science, and the arts; and the use  
 4849 | of continuous improvement and monitoring plans and processes. In  
 4850 | addition, the state board may prescribe reporting requirements

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4851 to review and monitor the progress of the schools. The rule must  
 4852 define the intervention and support strategies for school  
 4853 improvement for schools earning a grade of "D" or "F" and the  
 4854 roles for the district and department. ~~The rule shall~~  
 4855 ~~differentiate among schools earning consecutive grades of "D" or~~  
 4856 ~~"F," or a combination thereof, and provide for more intense~~  
 4857 ~~monitoring, intervention, and support strategies for these~~  
 4858 ~~schools.~~

4859 (4) (a) The state board shall apply intensive ~~the most~~  
 4860 ~~intense~~ intervention and support strategies tailored to the  
 4861 needs of ~~to~~ schools earning two consecutive grades of "D" or a  
 4862 grade of "F." In the first full school year after a school  
 4863 initially earns two consecutive grades of "D" or a grade of "F,"  
 4864 the school district must immediately implement intervention and  
 4865 support strategies prescribed in rule under paragraph (3) (c)  
 4866 and, by September 1, provide, ~~select a turnaround option from~~  
 4867 ~~those provided in subparagraphs (b)1.-5., and submit a plan for~~  
 4868 ~~implementing the turnaround option to the department~~ with the  
 4869 memorandum of understanding negotiated pursuant to s.  
 4870 1001.42(21) and, by October 1, a district-managed turnaround  
 4871 plan for approval by the state board. Upon approval by the state  
 4872 board, the school district must implement the plan for the  
 4873 remainder of the school year and continue the plan for 1 full  
 4874 school year. The state board may allow a school an additional  
 4875 year of implementation before the school must implement a



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4876 turnaround option required under paragraph (b) if it determines  
 4877 that the school is likely to improve to a grade of "C" or higher  
 4878 after the first full school year of implementation ~~for approval~~  
 4879 ~~by the state board. Upon approval by the state board, the~~  
 4880 ~~turnaround option must be implemented in the following school~~  
 4881 ~~year.~~

4882 (b) Unless an additional year of implementation is  
 4883 provided pursuant to paragraph (a), ~~The turnaround options~~  
 4884 ~~available to a school district to address a school that earns~~  
 4885 three consecutive grades below a "C" must implement one of the  
 4886 following a grade of "F" are:

4887 ~~1. Convert the school to a district-managed turnaround~~  
 4888 ~~school;~~

4889 ~~1.2.~~ Reassign students to another school and monitor the  
 4890 progress of each reassigned student;

4891 ~~2.3.~~ Close the school and reopen the school as one or more  
 4892 charter schools, each with a governing board that has a  
 4893 demonstrated record of effectiveness; or

4894 ~~3.4.~~ Contract with an outside entity that has a  
 4895 demonstrated record of effectiveness to operate the school. An  
 4896 outside entity may include a district-managed charter school in  
 4897 which all instructional personnel are not employees of the  
 4898 school district, but are employees of an independent governing  
 4899 board composed of members who did not participate in the review  
 4900 or approval of the charter; ~~or~~

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4901 ~~5. Implement a hybrid of turnaround options set forth in~~  
4902 ~~subparagraphs 1. 4. or other turnaround models that have a~~  
4903 ~~demonstrated record of effectiveness.~~

4904 (c) ~~A school earning a grade of "F" shall have a planning~~  
4905 ~~year followed by 2 full school years to implement the initial~~  
4906 ~~turnaround option selected by the school district and approved~~  
4907 ~~by the state board. Implementation of the turnaround option is~~  
4908 ~~no longer required if the school improves to a grade of "C" or~~  
4909 ~~higher by at least one letter grade.~~

4910 (d) ~~A school earning a grade of "F" that improves its~~  
4911 ~~letter grade must continue to implement strategies identified in~~  
4912 ~~its school improvement plan pursuant to s. 1001.42(18)(a). The~~  
4913 ~~department must annually review implementation of the school~~  
4914 ~~improvement plan for 3 years to monitor the school's continued~~  
4915 ~~improvement.~~

4916 ~~(d)(e)~~ If a school earning two consecutive grades of "D"  
4917 or a grade of "F" does not improve to a grade of "C" or higher  
4918 ~~by at least one letter grade~~ after 2 full school years of  
4919 implementing the turnaround option selected by the school  
4920 district under paragraph (b), the school district must implement  
4921 ~~select a different option and submit~~ another turnaround option  
4922 ~~implementation plan to the department for approval by the state~~  
4923 ~~board. Implementation of the turnaround option ~~approved plan~~~~  
4924 must begin the school year following the implementation period  
4925 of the existing turnaround option, unless the state board

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4926 determines that the school is likely to improve to a grade of  
 4927 "C" or higher ~~a letter grade~~ if additional time is provided to  
 4928 implement the existing turnaround option.

4929 ~~(5) A school that earns a grade of "D" for 3 consecutive~~  
 4930 ~~years must implement the district-managed turnaround option~~  
 4931 ~~pursuant to subparagraph (4)(b)1. The school district must~~  
 4932 ~~submit an implementation plan to the department for approval by~~  
 4933 ~~the state board.~~

4934 Section 42. Subsection (5) and paragraph (d) of subsection  
 4935 (6) of section 1008.345, Florida Statutes, are amended to read:

4936 1008.345 Implementation of state system of school  
 4937 improvement and education accountability.—

4938 (5) The commissioner shall annually report to the State  
 4939 Board of Education and the Legislature and recommend changes in  
 4940 state policy necessary to foster school improvement and  
 4941 education accountability. The report shall include:

4942 (a) For each school district:

4943 1. The percentage of students, by school and grade level,  
 4944 demonstrating learning growth in English Language Arts and  
 4945 mathematics.

4946 2. The percentage of students, by school and grade level,  
 4947 in both the highest and lowest quartiles demonstrating learning  
 4948 growth in English Language Arts and mathematics.

4949 3. The information contained in the school district's  
 4950 annual report required pursuant to s. 1008.25(8).

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4951 (b) Intervention and support strategies used by school  
 4952 districts ~~boards~~ whose students in both the highest and lowest  
 4953 quartiles exceed the statewide average learning growth for  
 4954 students in those quartiles.

4955 (c) Intervention and support strategies used by school  
 4956 districts ~~boards~~ whose schools provide educational services to  
 4957 youth in Department of Juvenile Justice programs that  
 4958 demonstrate learning growth in English Language Arts and  
 4959 mathematics that exceeds the statewide average learning growth  
 4960 for students in those subjects.

4961 (d) Based upon a review of each school district's reading  
 4962 plan submitted pursuant to s. 1011.62(9), intervention and  
 4963 support strategies used by school districts that were effective  
 4964 in improving the reading performance of students, as indicated  
 4965 by student performance data, who are identified as having a  
 4966 substantial reading deficiency pursuant to s. 1008.25(5)(a).

4967  
 4968 School reports shall be distributed pursuant to this subsection  
 4969 and s. 1001.42(18)(c) and according to rules adopted by the  
 4970 State Board of Education.

4971 (6)

4972 (d) The commissioner shall assign a community assessment  
 4973 team to each school district or governing board with a school  
 4974 that earned a grade of "D" or "F" ~~or three consecutive grades of~~  
 4975 "D" pursuant to s. 1008.34 to review the school performance data

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4976 and determine causes for the low performance, including the role  
 4977 of school, area, and district administrative personnel. The  
 4978 community assessment team shall review a high school's  
 4979 graduation rate calculated without high school equivalency  
 4980 diploma recipients for the past 3 years, disaggregated by  
 4981 student ethnicity. The team shall make recommendations to the  
 4982 school board or the governing board and to the State Board of  
 4983 Education based on the interventions and support strategies  
 4984 identified pursuant to subsection (5) to ~~which~~ address the  
 4985 causes of the school's low performance and to incorporate the  
 4986 strategies and may be incorporated into the school improvement  
 4987 plan. The assessment team shall include, but not be limited to,  
 4988 a department representative, parents, business representatives,  
 4989 educators, representatives of local governments, and community  
 4990 activists, and shall represent the demographics of the community  
 4991 from which they are appointed.

4992 Section 43. Effective upon this act becoming a law,  
 4993 section 1002.333, Florida Statutes, is created to read:

4994 1002.333 Persistently low-performing schools.—

4995 (1) DEFINITIONS.—As used in this section, the term:

4996 (a) "Hope operator" means an entity identified by the  
 4997 department pursuant to subsection (2).

4998 (b) "Persistently low-performing school" means a school  
 4999 that has earned three consecutive grades lower than a "C,"  
 5000 pursuant to s. 1008.34, and a school that was closed pursuant to

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5001 s. 1008.33(4) within 2 years after the submission of a notice of  
 5002 intent.

5003 (c) "School of hope" means:

5004 1. A charter school operated by a hope operator which  
 5005 serves students from one or more persistently low-performing  
 5006 schools; is located in the attendance zone of a persistently  
 5007 low-performing school or within a 5-mile radius of such school,  
 5008 whichever is greater; and is a Title I eligible school; or

5009 2. A school operated by a hope operator pursuant to s.  
 5010 1008.33(4)(b)3.

5011 (2) HOPE OPERATOR.—A hope operator is a nonprofit  
 5012 organization with tax exempt status under s. 501(c)(3) of the  
 5013 Internal Revenue Code that operates three or more charter  
 5014 schools that serve students in grades K-12 in Florida or other  
 5015 states with a record of serving students from low-income  
 5016 families and is designated by the State Board of Education as a  
 5017 hope operator based on a determination that:

5018 (a) The past performance of the hope operator meets or  
 5019 exceeds the following criteria:

5020 1. The achievement of enrolled students exceeds the  
 5021 district and state averages of the states in which the  
 5022 operator's schools operate;

5023 2. The average college attendance rate at all schools  
 5024 currently operated by the operator exceeds 80 percent, if such  
 5025 data is available;

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5026           3. The percentage of students eligible for a free or  
 5027 reduced price lunch under the National School Lunch Act enrolled  
 5028 at all schools currently operated by the operator exceeds 70  
 5029 percent;

5030           4. The operator is in good standing with the authorizer in  
 5031 each state in which it operates;

5032           5. The audited financial statements of the operator are  
 5033 free of material misstatements and going concern issues; and

5034           6. Other outcome measures as determined by the State Board  
 5035 of Education;

5036           (b) The operator was awarded a United States Department of  
 5037 Education Charter School Program grant for Replication and  
 5038 Expansion of High-Quality Charter Schools within the preceding 3  
 5039 years before applying to be a hope operator;

5040           (c) The operator receives funding through the National  
 5041 Fund of the Charter School Growth Fund to accelerate the growth  
 5042 of the nation's best charter schools; or

5043           (d) The operator is selected by a district school board in  
 5044 accordance with s. 1008.33.

5045  
 5046 An entity that meets the requirements of paragraph (b),  
 5047 paragraph (c), or paragraph (d) before the adoption by the state  
 5048 board of measurable criteria pursuant to paragraph (a) shall be  
 5049 designated as a hope operator. After the adoption of the  
 5050 measurable criteria, an entity, including a governing board that

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5051 operates a school established pursuant to s. 1008.33(4)(b)3.,  
 5052 shall be designated as a hope operator if it meets the criteria  
 5053 of paragraph (a).

5054 (3) DESIGNATION OF HOPE OPERATOR.—Initial status as a hope  
 5055 operator is valid for 5 years from the opening of a school of  
 5056 hope. If a hope operator seeks the renewal of its status, such  
 5057 renewal shall solely be based upon the academic and financial  
 5058 performance of all schools established by the operator in the  
 5059 state since its initial designation.

5060 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator  
 5061 seeking to open a school of hope must submit a notice of intent  
 5062 to the school district in which a persistently low-performing  
 5063 school has been identified by the State Board of Education  
 5064 pursuant to subsection (10).

5065 (a) The notice of intent must include:

5066 1. An academic focus and plan.

5067 2. A financial plan.

5068 3. Goals and objectives for increasing student achievement  
 5069 for the students from low-income families.

5070 4. A completed or planned community outreach plan.

5071 5. The organizational history of success in working with  
 5072 students with similar demographics.

5073 6. The grade levels to be served and enrollment  
 5074 projections.

5075 7. The proposed location or geographic area proposed for



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5076 | the school and its proximity to the persistently low-performing  
 5077 | school.

5078 | 8. A staffing plan.

5079 | (b) Notwithstanding the requirements of s. 1002.33, a  
 5080 | school district shall enter into a performance-based agreement  
 5081 | with a hope operator to open schools to serve students from  
 5082 | persistently low-performing schools.

5083 | (5) PERFORMANCE-BASED AGREEMENT.—The following shall  
 5084 | comprise the entirety of the performance-based agreement:

5085 | (a) The notice of intent, which is incorporated by  
 5086 | reference and attached to the agreement.

5087 | (b) The location or geographic area proposed for the  
 5088 | school of hope and its proximity to the persistently low-  
 5089 | performing school.

5090 | (c) An enumeration of the grades to be served in each year  
 5091 | of the agreement and whether the school will serve children in  
 5092 | the school readiness or prekindergarten programs.

5093 | (d) A plan of action and specific milestones for student  
 5094 | recruitment and the enrollment of students from persistently  
 5095 | low-performing schools, including enrollment preferences and  
 5096 | procedures for conducting transparent admissions lotteries that  
 5097 | are open to the public. Students from persistently low-  
 5098 | performing schools shall be exempt from any enrollment lottery  
 5099 | to the extent permitted by federal grant requirements.

5100 | (e) A delineation of the current incoming baseline

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5101 standard of student academic achievement, the outcomes to be  
 5102 achieved, and the method of measurement that will be used.

5103 (f) A description of the methods of involving parents and  
 5104 expected levels for such involvement.

5105 (g) The grounds for termination, including failure to meet  
 5106 the requirements for student performance established pursuant to  
 5107 paragraph (e), generally accepted standards of fiscal  
 5108 management, or material violation of terms of the agreement. The  
 5109 nonrenewal or termination of a performance-based agreement must  
 5110 comply with the requirements of s. 1002.33(8).

5111 (h) A provision allowing the hope operator to open  
 5112 additional schools to serve students enrolled in or zoned for a  
 5113 persistently low-performing school if the hope operator  
 5114 maintains its status under subsection (3).

5115 (i) A provision establishing the initial term as 5 years.  
 5116 The agreement shall be renewed, upon the request of the hope  
 5117 operator, unless the school fails to meet the requirements for  
 5118 student performance established pursuant to paragraph (e) or  
 5119 generally accepted standards of fiscal management or the school  
 5120 of hope materially violates the law or the terms of the  
 5121 agreement.

5122 (j) A requirement to provide transportation consistent  
 5123 with the requirements of ss. 1006.21-1006.27 and s. 1012.45. The  
 5124 governing body of the school of hope may provide transportation  
 5125 through an agreement or contract with the district school board,

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5126 a private provider, or parents of enrolled students.  
 5127 Transportation may not be a barrier to equal access for all  
 5128 students residing within reasonable distance of the school.  
 5129 (k) A requirement that any arrangement entered into to  
 5130 borrow or otherwise secure funds for the school of hope from a  
 5131 source other than the state or a school district shall indemnify  
 5132 the state and the school district from any and all liability,  
 5133 including, but not limited to, financial responsibility for the  
 5134 payment of the principal or interest.  
 5135 (l) A provision that any loans, bonds, or other financial  
 5136 agreements are not obligations of the state or the school  
 5137 district but are obligations of the school of hope and are  
 5138 payable solely from the sources of funds pledged by such  
 5139 agreement.  
 5140 (m) A prohibition on the pledge of credit or taxing power  
 5141 of the state or the school district.  
 5142 (6) STATUTORY AUTHORITY.—  
 5143 (a) A school of hope may be designated as a local  
 5144 education agency, if requested, for the purposes of receiving  
 5145 federal funds and, in doing so, accepts the full responsibility  
 5146 for all local education agency requirements and the schools for  
 5147 which it will perform local education agency responsibilities.  
 5148 Students enrolled in a school established by a hope operator  
 5149 designated as a local educational agency are not eligible  
 5150 students for purposes of calculating the district grade pursuant

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5151 to s. 1008.34(5).

5152 (b) For the purposes of tort liability, the hope operator,  
5153 the school of hope, and its employees or agents shall be  
5154 governed by s. 768.28. The sponsor shall not be liable for civil  
5155 damages under state law for the employment actions or personal  
5156 injury, property damage, or death resulting from an act or  
5157 omission of a hope operator, the school of hope, or its  
5158 employees or agents. This paragraph does not include any for-  
5159 profit entity contracted by the charter school or its governing  
5160 body.

5161 (c) A school of hope may be either a private or a public  
5162 employer. As a public employer, the school of hope may  
5163 participate in the Florida Retirement System upon application  
5164 and approval as a covered group under s. 121.021(34). If a  
5165 school of hope participates in the Florida Retirement System,  
5166 the school of hope's employees shall be compulsory members of  
5167 the Florida Retirement System.

5168 (d) A hope operator may employ school administrators and  
5169 instructional personnel who do not meet the requirements of s.  
5170 1012.56 if the school administrators and instructional personnel  
5171 are not ineligible for such employment under s. 1012.315.

5172 (e) Compliance with s. 1003.03 shall be calculated as the  
5173 average at the school level.

5174 (f) Schools of hope operated by a hope operator shall be  
5175 exempt from chapters 1000-1013 and all school board policies.

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5176 | However, a hope operator shall be in compliance with the laws in  
 5177 | chapters 1000-1013 relating to:  
 5178 |     1. The student assessment program and school grading  
 5179 | system.  
 5180 |     2. Student progression and graduation.  
 5181 |     3. The provision of services to students with  
 5182 | disabilities.  
 5183 |     4. Civil rights, including s. 1000.05, relating to  
 5184 | discrimination.  
 5185 |     5. Student health, safety, and welfare.  
 5186 |     6. Public meetings and records, public inspection, and  
 5187 | criminal and civil penalties pursuant to s. 286.011. The  
 5188 | governing board of a school of hope must hold at least two  
 5189 | public meetings per school year in the school district in which  
 5190 | the school of hope is located. Any other meetings of the  
 5191 | governing board may be held in accordance with s. 120.54(5)(b)2.  
 5192 |     7. Public records pursuant to chapter 119.  
 5193 |     8. The code of ethics for public officers and employees  
 5194 | pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).  
 5195 |     (g) Each school of hope shall report its students to the  
 5196 | school district as required in s. 1011.62, and in accordance  
 5197 | with the definitions in s. 1011.61. The school district shall  
 5198 | include each charter school's enrollment in the district's  
 5199 | report of student enrollment. All charter schools submitting  
 5200 | student record information required by the department shall

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5201 comply with the department's guidelines for electronic data  
 5202 formats for such data, and all districts shall accept electronic  
 5203 data that complies with the department's electronic format.

5204 (h) A school of hope shall provide the school district  
 5205 with a concise, uniform, quarterly financial statement summary  
 5206 sheet that contains a balance sheet and a statement of revenue,  
 5207 expenditures, and changes in fund balance. The balance sheet and  
 5208 the statement of revenue, expenditures, and changes in fund  
 5209 balance shall be in the governmental fund format prescribed by  
 5210 the Governmental Accounting Standards Board. Additionally, a  
 5211 school of hope shall comply with the annual audit requirement  
 5212 for charter schools in s. 218.39.

5213 (7) FACILITIES.—

5214 (a) A school of hope shall use facilities that comply with  
 5215 the Florida Building Code, except for the State Requirements for  
 5216 Educational Facilities. A school of hope that uses school  
 5217 district facilities must comply with the State Requirements for  
 5218 Educational Facilities only if the school district and the hope  
 5219 operator have entered into a mutual management plan for the  
 5220 reasonable maintenance of such facilities. The mutual management  
 5221 plan shall contain a provision by which the district school  
 5222 board agrees to maintain the school facilities in the same  
 5223 manner as its other public schools within the district. The  
 5224 local governing authority shall not adopt or impose any local  
 5225 building requirements or site-development restrictions, such as

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5226 parking and site-size criteria, student enrollment, and occupant  
 5227 load, that are addressed by and more stringent than those found  
 5228 in the State Requirements for Educational Facilities of the  
 5229 Florida Building Code. A local governing authority must treat  
 5230 schools of hope equitably in comparison to similar requirements,  
 5231 restrictions, and site planning processes imposed upon public  
 5232 schools. The agency having jurisdiction for inspection of a  
 5233 facility and issuance of a certificate of occupancy or use shall  
 5234 be the local municipality or, if in an unincorporated area, the  
 5235 county governing authority. If an official or employee of the  
 5236 local governing authority refuses to comply with this paragraph,  
 5237 the aggrieved school or entity has an immediate right to bring  
 5238 an action in circuit court to enforce its rights by injunction.  
 5239 An aggrieved party that receives injunctive relief may be  
 5240 awarded reasonable attorney fees and court costs.

5241 (b) Any facility, or portion thereof, used to house a  
 5242 school of hope shall be exempt from ad valorem taxes pursuant to  
 5243 s. 196.1983. Library, community service, museum, performing  
 5244 arts, theatre, cinema, church, Florida College System  
 5245 institution, college, and university facilities may provide  
 5246 space to schools of hope within their facilities under their  
 5247 preexisting zoning and land use designations without obtaining a  
 5248 special exception, rezoning, or a land use change.

5249 (c) School of hope facilities are exempt from assessments  
 5250 of fees for building permits, except as provided in s. 553.80;

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5251 fees for building and occupational licenses; impact fees or  
 5252 exactions; service availability fees; and assessments for  
 5253 special benefits.

5254 (d) No later than October 1, each school district shall  
 5255 annually provide to the Department of Education a list of all  
 5256 underused, vacant, or surplus facilities owned or operated by  
 5257 the school district. A hope operator establishing a school of  
 5258 hope may use an educational facility identified in this  
 5259 paragraph at no cost or at a mutually agreeable cost not to  
 5260 exceed \$600 per student. A hope operator using a facility  
 5261 pursuant to this paragraph may not sell or dispose of such  
 5262 facility without the written permission of the school district.  
 5263 For purposes of this paragraph, the term "underused, vacant, or  
 5264 surplus facility" means an entire facility or portion thereof  
 5265 which is not fully used or is used irregularly or intermittently  
 5266 by the school district for instructional or program use.

5267 (8) NONCOMPLIANCE.—A school district that does not enter  
 5268 into a performance-based agreement within 60 days after receipt  
 5269 of a notice of intent shall reduce the administrative fees  
 5270 withheld pursuant to s. 1002.33(20) to 1 percent for all charter  
 5271 schools operating in the school district. Upon execution of the  
 5272 performance-based agreement, the school district may resume  
 5273 withholding the full amount of administrative fees, but may not  
 5274 recover any fees that would have otherwise accrued during the  
 5275 period of noncompliance. Any charter school that had



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5276 administrative fees withheld in violation of this subsection may  
 5277 recover attorney fees and costs to enforce the requirements of  
 5278 this subsection. A school district subject to the requirements  
 5279 of this section shall file a monthly report detailing the  
 5280 reduction in the amount of administrative fees withheld.

5281 (9) FUNDING.—

5282 (a) Schools of hope shall be funded in accordance with s.  
 5283 1002.33(17).

5284 (b) Schools of hope shall receive priority in the  
 5285 department's Public Charter School Grant Program competitions.

5286 (c) Schools of hope shall be considered charter schools  
 5287 for purposes of s. 1013.62, except charter capital outlay may  
 5288 not be used to purchase real property or for the construction of  
 5289 school facilities.

5290 (d) Schools of hope are eligible to receive funds from the  
 5291 Schools of Hope Program.

5292 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
 5293 is created within the Department of Education.

5294 (a) A school of hope is eligible to receive funds from the  
 5295 Schools of Hope Program for the following expenditures:

5296 1. Preparing teachers, school leaders, and specialized  
 5297 instructional support personnel, including costs associated  
 5298 with:

5299 a. Providing professional development.

5300 b. Hiring and compensating teachers, school leaders, and

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5301 specialized instructional support personnel for services beyond  
 5302 the school day and year.

5303 2. Acquiring supplies, training, equipment, and  
 5304 educational materials, including developing and acquiring  
 5305 instructional materials.

5306 3. Providing one-time startup costs associated with  
 5307 providing transportation to students to and from the charter  
 5308 school.

5309 4. Carrying out community engagement activities, which may  
 5310 include paying the cost of student and staff recruitment.

5311 5. Providing funds to cover the nonvoted ad valorem  
 5312 millage that would otherwise be required for schools and the  
 5313 required local effort funds calculated pursuant to s. 1011.62  
 5314 when the state board enters into an agreement with a hope  
 5315 operator pursuant to subsection (5).

5316 (b) A traditional public school that is required to submit  
 5317 a plan for implementation pursuant to s. 1008.33(4) is eligible  
 5318 to receive up to \$2,000 per full-time equivalent student from  
 5319 the Schools of Hope Program based upon the strength of the  
 5320 school's plan for implementation and its focus on evidence-based  
 5321 interventions that lead to student success by providing wrap-  
 5322 around services that leverage community assets, improve school  
 5323 and community collaboration, and develop family and community  
 5324 partnerships. Wrap-around services include, but are not limited  
 5325 to, tutorial and after-school programs, student counseling,

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5326 | nutrition education, parental counseling, and adult education.  
 5327 | Plans for implementation may also include models that develop a  
 5328 | culture of attending college, high academic expectations,  
 5329 | character development, dress codes, and an extended school day  
 5330 | and school year. At a minimum, a plan for implementation must:  
 5331 |     1. Establish wrap-around services that develop family and  
 5332 | community partnerships.  
 5333 |     2. Establish clearly defined and measurable high academic  
 5334 | and character standards.  
 5335 |     3. Increase parental involvement and engagement in the  
 5336 | child's education.  
 5337 |     4. Describe how the school district will identify,  
 5338 | recruit, retain, and reward instructional personnel. The state  
 5339 | board may waive the requirements of s. 1012.22(1)(c)5., and  
 5340 | suspend the requirements of s. 1012.34, to facilitate  
 5341 | implementation of the plan.  
 5342 |     5. Identify a knowledge-rich curriculum that the school  
 5343 | will use that focuses on developing a student's background  
 5344 | knowledge.  
 5345 |     6. Provide professional development that focuses on  
 5346 | academic rigor, direct instruction, and creating high academic  
 5347 | and character standards.  
 5348 |     (c) The state board shall:  
 5349 |         1. Provide awards for up to 25 schools and prioritize  
 5350 | awards for plans submitted pursuant to paragraph (b) that are

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5351 based on whole school transformation and that are developed in  
 5352 consultation with the school's principal.

5353 2. Annually report on the implementation of this  
 5354 subsection in the report required by s. 1008.345(5), and provide  
 5355 summarized academic performance reports of each traditional  
 5356 public school receiving funds.

5357 (11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—  
 5358 Pursuant to Art. IX of the State Constitution, which prescribes  
 5359 the duty of the State Board of Education to supervise the public  
 5360 school system, the State Board of Education shall:

5361 (a) Publish an annual list of persistently low-performing  
 5362 schools after the release of preliminary school grades.

5363 (b) Adopt a standard notice of intent and performance-  
 5364 based agreement that must be used by hope operators and district  
 5365 school boards to eliminate regulatory and bureaucratic barriers  
 5366 that delay access to high quality schools for students in  
 5367 persistently low-performing schools.

5368 (c) Resolve disputes between a hope operator and a school  
 5369 district arising from a performance-based agreement or a  
 5370 contract between a charter operator and a school district under  
 5371 the requirements of s. 1008.33. The Commissioner of Education  
 5372 shall appoint a special magistrate who is a member of The  
 5373 Florida Bar in good standing and who has at least 5 years'  
 5374 experience in administrative law. The special magistrate shall  
 5375 hold hearings to determine facts relating to the dispute and to

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5376 | render a recommended decision for resolution to the State Board  
 5377 | of Education. The recommendation may not alter in any way the  
 5378 | provisions of the performance-based agreement under subsection  
 5379 | (5). The special magistrate may administer oaths and issue  
 5380 | subpoenas on behalf of the parties to the dispute or on his or  
 5381 | her own behalf. Within 15 calendar days after the close of the  
 5382 | final hearing, the special magistrate shall transmit a  
 5383 | recommended decision to the State Board of Education and to the  
 5384 | representatives of both parties by registered mail, return  
 5385 | receipt requested. The State Board of Education must approve or  
 5386 | reject the recommended decision at its next regularly scheduled  
 5387 | meeting that is more than 7 calendar days and no more than 30  
 5388 | days after the date the recommended decision is transmitted. The  
 5389 | decision by the State Board of Education is a final agency  
 5390 | action that may be appealed to the District Court of Appeal,  
 5391 | First District in accordance with s. 120.68. A charter school  
 5392 | may recover attorney fees and costs if the State Board of  
 5393 | Education determines that the school district unlawfully  
 5394 | implemented or otherwise impeded implementation of the  
 5395 | performance-based agreement pursuant to this paragraph.

5396 | (d) Provide students in persistently low-performing  
 5397 | schools with a public school that meets accountability  
 5398 | standards. The State Board of Education may enter into a  
 5399 | performance-based agreement with a hope operator when a school  
 5400 | district has not improved the school after 3 years of the

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5401 interventions and support provided under s. 1008.33 or has not  
 5402 complied with the requirements of subsection (4). Upon the State  
 5403 Board of Education entering into a performance-based agreement  
 5404 with a hope operator, the school district shall transfer to the  
 5405 school of hope the proportionate share of state funds allocated  
 5406 from the Florida Education Finance Program.

5407 (12) RULES.—The State Board of Education shall adopt rules  
 5408 pursuant to ss. 120.536(1) and 120.54 to implement this section.

5409 Section 44. Section 1001.292, Florida Statutes, is created  
 5410 to read:

5411 1001.292 Schools of Hope Revolving Loan Program.—

5412 (1) The Schools of Hope Revolving Loan Program is  
 5413 established within the Department of Education to provide  
 5414 assistance to hope operators, as defined in s. 1002.333, to meet  
 5415 school building construction needs and pay for expenses related  
 5416 to the startup of a new charter school. The program shall  
 5417 consist of funds appropriated by the Legislature, money received  
 5418 from the repayment of loans made from the program, and interest  
 5419 earned.

5420 (2) Funds provided pursuant to this section may not exceed  
 5421 25 percent of the total cost of the project, which shall be  
 5422 calculated based on 80 percent of the cost per student station  
 5423 established by s. 1013.64(6)(b) multiplied by the capacity of  
 5424 the facility.

5425 (3) The department may contract with a third-party

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5426 administrator to administer the program. If the department  
 5427 contracts with a third-party administrator, funds shall be  
 5428 granted to the third-party administrator to create a revolving  
 5429 loan fund for the purpose of financing projects that meet the  
 5430 requirements of subsection (4). The third-party administrator  
 5431 shall report to the department annually. The department shall  
 5432 continue to administer the program until a third-party  
 5433 administrator is selected.

5434 (4) Hope operators that have been designated by the State  
 5435 Board of Education and have executed a performance-based  
 5436 agreement pursuant to s. 1002.333 shall be provided a loan of up  
 5437 to the amount provided in subsection (2) for projects that are  
 5438 located in the attendance area of a persistently low-performing  
 5439 school or within a 5-mile radius of such school and primarily  
 5440 serve students from the persistently low-performing school. A  
 5441 hope operator is not eligible for funding if it operates in  
 5442 facilities provided by the school district for a nominal fee, or  
 5443 at no charge, or if it is directly or indirectly operated by the  
 5444 school district.

5445 (5) The department shall post on its website the projects  
 5446 that have received loans, the geographic distribution of the  
 5447 projects, the status of the projects, the costs of the program,  
 5448 and student outcomes for students enrolled in the school of hope  
 5449 receiving funds.

5450 (6) All repayments of principal and interest shall be

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5451 returned to the loan fund and made available for loans to other  
 5452 applicants.

5453 (7) Interest on loans provided under this program may be  
 5454 used to defray the costs of administration and shall be the  
 5455 lower of:

5456 (a) The rate paid on moneys held in the fund; or

5457 (b) A rate equal to 50 percent of the rate authorized  
 5458 under the provisions of s. 215.84.

5459 (8) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
 5460 funds allocated for this purpose which are not disbursed by June  
 5461 30 of the fiscal year in which the funds are allocated may be  
 5462 carried forward for up to 5 years after the effective date of  
 5463 the original appropriation.

5464 Section 45. Subsection (5) is added to section 1011.69,  
 5465 Florida Statutes, to read:

5466 1011.69 Equity in School-Level Funding Act.—

5467 (5) After providing Title I, Part A, Basic funds to  
 5468 schools above the 75 percent poverty threshold, school districts  
 5469 shall provide any remaining Title I, Part A, Basic funds  
 5470 directly to all eligible schools as provided in this subsection.  
 5471 For purposes of this subsection, an eligible school is a school  
 5472 that is eligible to receive Title I funds, including a charter  
 5473 school. The threshold for identifying eligible schools may not  
 5474 exceed the threshold established by a school district for the  
 5475 2016-2017 school year or the statewide percentage of



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5476 economically disadvantaged students, as determined annually.  
 5477 (a) Prior to the allocation of Title I funds to eligible  
 5478 schools, a school district may withhold funds only as follows:  
 5479 1. One percent for parent involvement, in addition to the  
 5480 one percent the district must reserve under federal law for  
 5481 allocations to eligible schools for parent involvement;  
 5482 2. A necessary and reasonable amount for administration,  
 5483 which includes the district's indirect cost rate, not to exceed  
 5484 a total of 8 percent; and  
 5485 3. A reasonable and necessary amount to provide:  
 5486 a. Homeless programs;  
 5487 b. Delinquent and neglected programs;  
 5488 c. Prekindergarten programs and activities;  
 5489 d. Private school equitable services; and  
 5490 e. Transportation for foster care children to their school  
 5491 of origin or choice programs.  
 5492 (b) All remaining Title I funds shall be distributed to  
 5493 all eligible schools in accordance with federal law and  
 5494 regulation. An eligible school may use funds under this  
 5495 subsection to participate in discretionary educational services  
 5496 provided by the school district.  
 5497 Section 46. Subsections (3), (4), (5), and (8) of section  
 5498 1012.731, Florida Statutes, are amended to read:  
 5499 1012.731 The Florida Best and Brightest Teacher  
 5500 Scholarship Program.—

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5501 (3) (a) To be eligible for a scholarship in the amount of  
 5502 \$6,000, a classroom teacher must:

5503 1. Have achieved a composite score at or above the 80th  
 5504 percentile on either the SAT or the ACT based on the National  
 5505 Percentile Ranks in effect when the classroom teacher took the  
 5506 assessment and have been evaluated as highly effective pursuant  
 5507 to s. 1012.34 in the school year immediately preceding the year  
 5508 in which the scholarship will be awarded, unless the classroom  
 5509 teacher is newly hired by the district school board and has not  
 5510 been evaluated pursuant to s. 1012.34.

5511 2. Beginning with the 2020-2021 school year, have achieved  
 5512 a composite score at or above the 77th percentile or, if the  
 5513 classroom teacher graduated cum laude or higher with a  
 5514 baccalaureate degree, the 71st percentile on either the SAT,  
 5515 ACT, GRE, LSAT, GMAT, or MCAT based on the National Percentile  
 5516 Ranks in effect when the classroom teacher took the assessment;  
 5517 and have been evaluated as highly effective pursuant to s.  
 5518 1012.34, or have been evaluated as highly effective based on a  
 5519 commissioner-approved student learning growth formula pursuant  
 5520 to s. 1012.34(8), in the school year immediately preceding the  
 5521 year in which the scholarship will be awarded, unless the  
 5522 classroom teacher is newly hired by the district school board  
 5523 and has not been evaluated pursuant to s. 1012.34.

5524 (b) In order to demonstrate eligibility for an award, an  
 5525 eligible classroom teacher must submit to the school district,

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5526 no later than November 1, an official record of his or her  
 5527 qualifying assessment ~~SAT or ACT score~~ and, beginning with the  
 5528 2020-2021 school year, an official transcript demonstrating that  
 5529 he or she graduated cum laude or higher with a baccalaureate  
 5530 degree, if applicable ~~the classroom teacher scored at or above~~  
 5531 ~~the 80th percentile based on the National Percentile Ranks in~~  
 5532 ~~effect when the teacher took the assessment.~~ Once a classroom  
 5533 teacher is deemed eligible by the school district, ~~including~~  
 5534 ~~teachers deemed eligible in the 2015-2016 fiscal year,~~ the  
 5535 teacher shall remain eligible as long as he or she remains  
 5536 employed by the school district as a classroom teacher at the  
 5537 time of the award and receives an annual performance evaluation  
 5538 rating of highly effective pursuant to s. 1012.34 or is  
 5539 evaluated as highly effective based on a commissioner-approved  
 5540 student learning growth formula pursuant to s. 1012.34(8) for  
 5541 the 2019-2020 school year or thereafter.

5542 (c) Notwithstanding the requirements of this subsection,  
 5543 for the 2017-2018, 2018-2019, and 2019-2020 school years, any  
 5544 classroom teacher who:

5545 1. Was evaluated as highly effective pursuant to s.  
 5546 1012.34 in the school year immediately preceding the year in  
 5547 which the scholarship will be awarded shall receive a  
 5548 scholarship of \$1200, including a classroom teacher who received  
 5549 an award pursuant to paragraph (a).

5550 2. Was evaluated as effective pursuant to s. 1012.34 in

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5551 the school year immediately preceding the year in which the  
 5552 scholarship will be awarded a scholarship of up to \$800. If the  
 5553 number of eligible classroom teachers under this subparagraph  
 5554 exceeds the total allocation, the department shall prorate the  
 5555 per-teacher scholarship amount.

5556  
 5557 This paragraph expires July 1, 2020.

5558 (4) Annually, by December 1, each school district shall  
 5559 submit to the department:

5560 (a) The number of eligible classroom teachers who qualify  
 5561 for the scholarship.

5562 (b) The name and master school identification number  
 5563 (MSID) of each school in the district to which an eligible  
 5564 classroom teacher is assigned.

5565 (c) The name of the school principal of each eligible  
 5566 classroom teacher's school if he or she has served as the  
 5567 school's principal for at least 2 consecutive school years  
 5568 including the current school year.

5569 (5) Annually, by February 1, the department shall disburse  
 5570 scholarship funds to each school district for each eligible  
 5571 classroom teacher to receive a scholarship in accordance with  
 5572 this section ~~as provided in the General Appropriations Act. A~~  
 5573 ~~scholarship in the amount provided in the General Appropriations~~  
 5574 ~~Act shall be awarded to every eligible classroom teacher. If the~~  
 5575 ~~number of eligible classroom teachers exceeds the total~~

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5576 ~~appropriation authorized in the General Appropriations Act, the~~  
5577 ~~department shall prorate the per-teacher scholarship amount.~~

5578 ~~(8) This section expires July 1, 2017.~~

5579 Section 47. Section 1012.732, Florida Statutes, is created  
5580 to read:

5581 1012.732 The Florida Best and Brightest Principal  
5582 Scholarship Program.—

5583 (1) The Legislature recognizes that the most effective  
5584 school principals establish a safe and supportive school  
5585 environment for students and faculty. Research shows that these  
5586 principals increase student learning by providing opportunities  
5587 for the professional growth, collaboration, and autonomy that  
5588 classroom teachers need to become and remain highly effective  
5589 educational professionals. As a result, these principals are  
5590 able to recruit and retain more of the best classroom teachers  
5591 and improve student outcomes at their schools, including schools  
5592 servicing low-income and high-need student populations. Therefore,  
5593 it is the intent of the Legislature to designate school  
5594 principals whose school faculty has a high percentage of  
5595 classroom teachers who are designated as Florida's best and  
5596 brightest teacher scholars pursuant to s. 1012.731 as Florida's  
5597 best and brightest principals.

5598 (2) There is created the Florida Best and Brightest  
5599 Principal Scholarship Program to be administered by the  
5600 Department of Education. The program shall provide categorical

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5601 funding for scholarships to be awarded to school principals, as  
 5602 defined in s. 1012.01(3)(c)1., who have recruited and retained a  
 5603 high percentage of best and brightest teachers.

5604 (3) A school principal identified pursuant to s.  
 5605 1012.731(4)(c) is eligible to receive a scholarship under this  
 5606 section if he or she has served as school principal at his or  
 5607 her school for at least 2 consecutive school years including the  
 5608 current school year and his or her school has a ratio of best  
 5609 and brightest teachers to other classroom teachers that is at  
 5610 the 80th percentile or higher for schools within the same grade  
 5611 group, statewide, including elementary schools, middle schools,  
 5612 high schools, and schools with a combination of grade levels.

5613 (4) Annually, by February 1, the department shall identify  
 5614 eligible school principals and disburse funds to each school  
 5615 district for each eligible school principal to receive a  
 5616 scholarship. A scholarship of \$5,000 must be awarded to every  
 5617 eligible school principal assigned to a Title I school and a  
 5618 scholarship of \$4,000 to every eligible school principal who is  
 5619 not assigned to a Title I school.

5620 (5) Annually, by April 1, each school district must award  
 5621 a scholarship to each eligible school principal.

5622 (6) A school district must provide a best and brightest  
 5623 principal with the additional authority and responsibilities  
 5624 provided in s. 1012.28(8) for a minimum of 2 years.

5625 (7) For purposes of this section, the term "school

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5626 district" includes the Florida School for the Deaf and the Blind  
 5627 and charter school governing boards.

5628 Section 48. Paragraphs (i) and (j) of subsection (2) of  
 5629 section 1002.385, Florida Statutes, are redesignated as  
 5630 paragraphs (j) and (k), respectively, paragraph (d) of  
 5631 subsection (2), subsection (5), paragraph (b) of subsection (6),  
 5632 subsection (8), paragraphs (e) and (f) of subsection (11),  
 5633 paragraph (j) of subsection (12), and paragraph (a) of  
 5634 subsection (13) are amended, and a new paragraph (i) is added to  
 5635 subsection (2) of that section, to read:

5636 1002.385 The Gardiner Scholarship.—

5637 (2) DEFINITIONS.—As used in this section, the term:

5638 (d) "Disability" means, for a 3- or 4-year-old child or  
 5639 for a student in kindergarten to grade 12, autism spectrum  
 5640 disorder, as defined in the Diagnostic and Statistical Manual of  
 5641 Mental Disorders, Fifth Edition, published by the American  
 5642 Psychiatric Association; cerebral palsy, as defined in s.  
 5643 393.063(6); Down syndrome, as defined in s. 393.063(15); an  
 5644 intellectual disability, as defined in s. 393.063(24); Phelan-  
 5645 McDermid syndrome, as defined in s. 393.063(28); Prader-Willi  
 5646 syndrome, as defined in s. 393.063(29); spina bifida, as defined  
 5647 in s. 393.063(40); being a high-risk child, as defined in s.  
 5648 393.063(23) (a); muscular dystrophy; and Williams syndrome or  
 5649 identification as dual sensory impaired, as defined by rules of  
 5650 the State Board of Education and evidenced by reports from the

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5651 local school district.

5652 (i) "Inactive" means that no eligible expenditures have  
 5653 been made from an account funded pursuant to paragraph (13)(d).

5654 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must  
 5655 be used to meet the individual educational needs of an eligible  
 5656 student and may be spent for the following purposes:

5657 (a) Instructional materials, including digital devices,  
 5658 digital periphery devices, and assistive technology devices that  
 5659 allow a student to access instruction or instructional content  
 5660 and training on the use of and maintenance agreements for these  
 5661 devices.

5662 (b) Curriculum as defined in paragraph (2)(b).

5663 (c) Specialized services by approved providers or by a  
 5664 hospital in this state that are selected by the parent. These  
 5665 specialized services may include, but are not limited to:

5666 1. Applied behavior analysis services as provided in ss.  
 5667 627.6686 and 641.31098.

5668 2. Services provided by speech-language pathologists as  
 5669 defined in s. 468.1125.

5670 3. Occupational therapy services as defined in s. 468.203.

5671 4. Services provided by physical therapists as defined in  
 5672 s. 486.021.

5673 5. Services provided by listening and spoken language  
 5674 specialists and an appropriate acoustical environment for a  
 5675 child who is deaf or hard of hearing and who has received an



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5676 | implant or assistive hearing device.

5677 |       (d) Enrollment in, or tuition or fees associated with  
 5678 | enrollment in, a home education program, an eligible private  
 5679 | school, an eligible postsecondary educational institution or a  
 5680 | program offered by the institution, a private tutoring program  
 5681 | authorized under s. 1002.43, a virtual program offered by a  
 5682 | department-approved private online provider that meets the  
 5683 | provider qualifications specified in s. 1002.45(2)(a), the  
 5684 | Florida Virtual School as a private paying student, or an  
 5685 | approved online course offered pursuant to s. 1003.499 or s.  
 5686 | 1004.0961.

5687 |       (e) Fees for nationally standardized, norm-referenced  
 5688 | achievement tests, Advanced Placement Examinations, industry  
 5689 | certification examinations, assessments related to postsecondary  
 5690 | education, or other assessments.

5691 |       (f) Contributions to the Stanley G. Tate Florida Prepaid  
 5692 | College Program pursuant to s. 1009.98 or the Florida College  
 5693 | Savings Program pursuant to s. 1009.981, for the benefit of the  
 5694 | eligible student.

5695 |       (g) Contracted services provided by a public school or  
 5696 | school district, including classes. A student who receives  
 5697 | services under a contract under this paragraph is not considered  
 5698 | enrolled in a public school for eligibility purposes as  
 5699 | specified in subsection (4).

5700 |       (h) Tuition and fees for part-time tutoring services

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5701 provided by a person who holds a valid Florida educator's  
 5702 certificate pursuant to s. 1012.56; a person who holds an  
 5703 adjunct teaching certificate pursuant to s. 1012.57; or a person  
 5704 who has demonstrated a mastery of subject area knowledge  
 5705 pursuant to s. 1012.56(5). As used in this paragraph, the term  
 5706 "part-time tutoring services" does not qualify as regular school  
 5707 attendance as defined in s. 1003.01(13)(e).

- 5708 (i) Fees for specialized summer education programs.
- 5709 (j) Fees for specialized after-school education programs.
- 5710 (k) Transition services provided by job coaches.

5711 (l) Fees for an annual evaluation of educational progress  
 5712 by a state-certified teacher under s. 1002.41(1)(c), if this  
 5713 option is chosen for a home education student.

5714 (m) Tuition and fees associated with programs offered by  
 5715 Voluntary Prekindergarten Education Program providers approved  
 5716 pursuant to s. 1002.55 and school readiness providers approved  
 5717 pursuant to s. 1002.88.

5718 (n) Fees for services provided at a center that is a  
 5719 member of the Professional Association of Therapeutic  
 5720 Horsemanship International.

5721 (o) Fees for services provided by a therapist who is  
 5722 certified by the Certification Board for Music Therapists or  
 5723 credentialed by the Art Therapy Credentials Board, Inc.

5724  
 5725 A provider of any services receiving payments pursuant to this

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5726 subsection may not share, refund, or rebate any moneys from the  
 5727 Gardiner Scholarship with the parent or participating student in  
 5728 any manner. A parent, student, or provider of any services may  
 5729 not bill an insurance company, Medicaid, or any other agency for  
 5730 the same services that are paid for using Gardiner Scholarship  
 5731 funds.

5732 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
 5733 educational choice and program integrity:

5734 (b)1. A student's scholarship account must be closed and  
 5735 any remaining funds, including, but not limited to,  
 5736 contributions made to the Stanley G. Tate Florida Prepaid  
 5737 College Program or earnings from or contributions made to the  
 5738 Florida College Savings Program using program funds pursuant to  
 5739 paragraph (5) (f), shall revert to the state after ~~upon~~:

5740 a. Denial or revocation of program eligibility by the  
 5741 commissioner for fraud or abuse, including, but not limited to,  
 5742 the student or student's parent accepting any payment, refund,  
 5743 or rebate, in any manner, from a provider of any services  
 5744 received pursuant to subsection (5); ~~or~~

5745 b. ~~After~~ Any period of 3 consecutive years after high  
 5746 school completion or graduation during which the student has not  
 5747 been enrolled in an eligible postsecondary educational  
 5748 institution or a program offered by the institution; or

5749 c. Three consecutive fiscal years in which an account has  
 5750 been inactive.

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5751           2. The commissioner must notify the parent and the  
5752 organization when a Gardiner Scholarship account is closed and  
5753 program funds revert to the state.

5754           (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
5755 eligible private school may be sectarian or nonsectarian and  
5756 shall:

5757           (a) Comply with all requirements for private schools  
5758 participating in state school choice scholarship programs  
5759 pursuant to s. 1002.421.

5760           (b) Provide to the organization, upon request, all  
5761 documentation required for the student's participation,  
5762 including the private school's and student's fee schedules.

5763           (c) Be academically accountable to the parent for meeting  
5764 the educational needs of the student by:

5765           1. At a minimum, annually providing to the parent a  
5766 written explanation of the student's progress.

5767           2. Annually administering or making provision for students  
5768 participating in the program in grades 3 through 10 to take one  
5769 of the nationally norm-referenced tests identified by the  
5770 Department of Education or the statewide assessments pursuant to  
5771 s. 1008.22. Students with disabilities for whom standardized  
5772 testing is not appropriate are exempt from this requirement. A  
5773 participating private school shall report a student's scores to  
5774 the parent.

5775           3. Cooperating with the scholarship student whose parent

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5776 chooses to have the student participate in the statewide  
 5777 assessments pursuant to s. 1008.22 or, if a private school  
 5778 chooses to offer the statewide assessments, administering the  
 5779 assessments at the school.

5780 a. A participating private school may choose to offer and  
 5781 administer the statewide assessments to all students who attend  
 5782 the private school in grades 3 through 10.

5783 b. A participating private school shall submit a request  
 5784 in writing to the Department of Education by March 1 of each  
 5785 year in order to administer the statewide assessments in the  
 5786 subsequent school year.

5787 (d) Employ or contract with teachers who have regular and  
 5788 direct contact with each student receiving a scholarship under  
 5789 this section at the school's physical location.

5790 (e) Provide a report from ~~Annually contract with~~ an  
 5791 independent certified public accountant who performs ~~to perform~~  
 5792 the agreed-upon procedures developed under s. 1002.395(6)(o) ~~and~~  
 5793 ~~produce a report of the results~~ if the private school receives  
 5794 more than \$250,000 in funds from scholarships awarded under this  
 5795 section in ~~the 2014-2015 state fiscal year or~~ a state fiscal  
 5796 year ~~thereafter~~. A private school subject to this paragraph must  
 5797 annually submit the report by September 15, ~~2015,~~ and annually  
 5798 ~~thereafter~~ to the organization that awarded the majority of the  
 5799 school's scholarship funds. The agreed-upon procedures must be  
 5800 conducted in accordance with attestation standards established

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5801 by the American Institute of Certified Public Accountants.  
 5802  
 5803 If ~~The inability of~~ a private school is unable to meet the  
 5804 requirements of this subsection or has consecutive years of  
 5805 material exceptions listed in the report required under  
 5806 paragraph (e), the commissioner may determine that ~~constitutes a~~  
 5807 ~~basis for the ineligibility of~~ the private school is ineligible  
 5808 to participate in the program ~~as determined by the commissioner.~~

5809 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 5810 PARTICIPATION.—A parent who applies for program participation  
 5811 under this section is exercising his or her parental option to  
 5812 determine the appropriate placement or the services that best  
 5813 meet the needs of his or her child. The scholarship award for a  
 5814 student is based on a matrix that assigns the student to support  
 5815 Level III services. If a parent receives an IEP and a matrix of  
 5816 services from the school district pursuant to subsection (7),  
 5817 the amount of the payment shall be adjusted as needed, when the  
 5818 school district completes the matrix.

5819 (e) The parent must annually renew participation in the  
 5820 program. Notwithstanding any changes to the student's IEP, a  
 5821 student who was previously eligible for participation in the  
 5822 program shall remain eligible to apply for renewal. However, for  
 5823 a high-risk child to continue to participate in the program in  
 5824 the school year after he or she reaches 6 years of age, the  
 5825 child's application for renewal of program participation must

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5826 contain documentation that the child has a disability defined in  
 5827 paragraph (2) (d) other than high-risk status.

5828 (f) The parent is responsible for procuring the services  
 5829 necessary to educate the student. If a parent does not procure  
 5830 the necessary educational services for the student and the  
 5831 student's account has been inactive for 2 consecutive fiscal  
 5832 years, the student is ineligible for additional scholarship  
 5833 payments until the scholarship funding organization verifies  
 5834 that expenditures from the account have occurred. When the  
 5835 student receives a Gardiner Scholarship, the district school  
 5836 board is not obligated to provide the student with a free  
 5837 appropriate public education. For purposes of s. 1003.57 and the  
 5838 Individuals with Disabilities in Education Act, a participating  
 5839 student has only those rights that apply to all other  
 5840 unilaterally parentally placed students, except that, when  
 5841 requested by the parent, school district personnel must develop  
 5842 an individual education plan or matrix level of services.

5843  
 5844 A parent who fails to comply with this subsection forfeits the  
 5845 Gardiner Scholarship.

5846 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An  
 5847 organization may establish Gardiner Scholarships for eligible  
 5848 students by:

5849 (j) Documenting each scholarship student's eligibility for  
 5850 a fiscal year before granting a scholarship for that fiscal year

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5851 | pursuant to paragraph (3) (b). A student is ineligible for a  
 5852 | scholarship if the student's account has been inactive for 2  
 5853 | consecutive fiscal years. However, once an eligible expenditure  
 5854 | is made pursuant to paragraph (11) (f), the student is eligible  
 5855 | for a scholarship based on available funds.

5856 | (13) FUNDING AND PAYMENT.—

5857 | (a)1. The maximum funding amount granted for an eligible  
 5858 | student with a disability, pursuant to subsection (3), shall be  
 5859 | equivalent to the base student allocation in the Florida  
 5860 | Education Finance Program multiplied by the appropriate cost  
 5861 | factor for the educational program that ~~which~~ would have been  
 5862 | provided for the student in the district school to which he or  
 5863 | she would have been assigned, multiplied by the district cost  
 5864 | differential.

5865 | 2. In addition, an amount equivalent to a share of the  
 5866 | guaranteed allocation for exceptional students in the Florida  
 5867 | Education Finance Program shall be determined and added to the  
 5868 | amount in subparagraph 1. The calculation shall be based on the  
 5869 | methodology and the data used to calculate the guaranteed  
 5870 | allocation for exceptional students for each district in chapter  
 5871 | 2000-166, Laws of Florida. Except as provided in subparagraph  
 5872 | 3., the calculation shall be based on the student's grade, the  
 5873 | matrix level of services, and the difference between the 2000-  
 5874 | 2001 basic program and the appropriate level of services cost  
 5875 | factor, multiplied by the 2000-2001 base student allocation and



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5876 | the 2000-2001 district cost differential for the sending  
 5877 | district. The calculated amount must also include an amount  
 5878 | equivalent to the per-student share of supplemental academic  
 5879 | instruction funds, instructional materials funds, technology  
 5880 | funds, and other categorical funds as provided in the General  
 5881 | Appropriations Act.

5882 |       3. Beginning with the 2017-2018 fiscal year and each  
 5883 | fiscal year thereafter, the calculation for a new student  
 5884 | entering the program shall be based on the student's matrix  
 5885 | level of services. The funding for a student without a matrix of  
 5886 | services ~~Except as otherwise provided in subsection (7), the~~  
 5887 | ~~calculation for all students participating in the program shall~~  
 5888 | be based on the matrix that assigns the student to support Level  
 5889 | III of services. If a parent chooses to request and receive a  
 5890 | matrix of services from the school district, when the school  
 5891 | district completes the matrix, the amount of the payment shall  
 5892 | be adjusted as needed.

5893 |       Section 49. Subsection (6) is added to section 1003.455,  
 5894 | Florida Statutes, to read:

5895 |       1003.455 Physical education; assessment.—

5896 |       (6) In addition to the requirements in subsection (3),  
 5897 | each district school board shall provide at least 100 minutes of  
 5898 | supervised, safe, and unstructured free-play recess each week  
 5899 | for students in kindergarten through grade 5 so that there are  
 5900 | at least 20 consecutive minutes of free-play recess per day.

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5901 This requirement does not apply to charter schools.

5902 Section 50. Paragraph (a) of subsection (8) and subsection  
5903 (11) of section 1002.37, Florida Statutes, are amended to read:

5904 1002.37 The Florida Virtual School.—

5905 (8) (a) The Florida Virtual School may provide full-time  
5906 and part-time instruction for students in kindergarten through  
5907 grade 12. ~~To receive part-time instruction in kindergarten~~  
5908 ~~through grade 5, a student must meet at least one of the~~  
5909 ~~eligibility criteria in s. 1002.455(2).~~

5910 ~~(11) The Auditor General shall conduct an operational~~  
5911 ~~audit of the Florida Virtual School, including Florida Virtual~~  
5912 ~~School Global. The scope of the audit shall include, but not be~~  
5913 ~~limited to, the administration of responsibilities relating to~~  
5914 ~~personnel; procurement and contracting; revenue production;~~  
5915 ~~school funds, including internal funds; student enrollment~~  
5916 ~~records; franchise agreements; information technology~~  
5917 ~~utilization, assets, and security; performance measures and~~  
5918 ~~standards; and accountability. The final report on the audit~~  
5919 ~~shall be submitted to the President of the Senate and the~~  
5920 ~~Speaker of the House of Representatives no later than January~~  
5921 ~~31, 2014.~~

5922 Section 51. Section 1002.455, Florida Statutes, is amended  
5923 to read:

5924 1002.455 Student eligibility for K-12 virtual  
5925 instruction.—

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5926           ~~(1)~~ All students, including home education and private  
 5927 school students, are eligible to participate in any of the  
 5928 following ~~A student may participate in virtual instruction in~~  
 5929 ~~the school district in which he or she resides if the student~~  
 5930 ~~meets the eligibility criteria in subsection (2).~~

5931           ~~(2)~~ ~~A student is eligible to participate in virtual~~  
 5932 ~~instruction if:~~

5933           ~~(a)~~ ~~The student spent the prior school year in attendance~~  
 5934 ~~at a public school in the state and was enrolled and reported by~~  
 5935 ~~the school district for funding during October and February for~~  
 5936 ~~purposes of the Florida Education Finance Program surveys;~~

5937           ~~(b)~~ ~~The student is a dependent child of a member of the~~  
 5938 ~~United States Armed Forces who was transferred within the last~~  
 5939 ~~12 months to this state from another state or from a foreign~~  
 5940 ~~country pursuant to a permanent change of station order;~~

5941           ~~(c)~~ ~~The student was enrolled during the prior school year~~  
 5942 ~~in a virtual instruction program under s. 1002.45 or a full-time~~  
 5943 ~~Florida Virtual School program under s. 1002.37(8) (a);~~

5944           ~~(d)~~ ~~The student has a sibling who is currently enrolled in~~  
 5945 ~~a virtual instruction program and the sibling was enrolled in~~  
 5946 ~~that program at the end of the prior school year;~~

5947           ~~(e)~~ ~~The student is eligible to enter kindergarten or first~~  
 5948 ~~grade; or~~

5949           ~~(f)~~ ~~The student is eligible to enter grades 2 through 5~~  
 5950 ~~and is enrolled full-time in a school district virtual~~

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5951 ~~instruction program, virtual charter school, or the Florida~~  
 5952 ~~Virtual School.~~

5953 ~~(3) The virtual instruction options for which this~~  
 5954 ~~eligibility section applies include:~~

5955 (1)(a) School district operated part-time or full-time  
 5956 kindergarten through grade 12 virtual instruction programs under  
 5957 s. 1002.45(1)(b) ~~for students enrolled in the school district.~~

5958 (2)(b) Full-time virtual charter school instruction  
 5959 authorized under s. 1002.33 to students within the school  
 5960 district or to students in other school districts throughout the  
 5961 state pursuant to s. 1002.31.

5962 (3)(e) Virtual courses offered in the course code  
 5963 directory to students within the school district or to students  
 5964 in other school districts throughout the state pursuant to s.  
 5965 1003.498.

5966 (4) Florida Virtual School instructional services  
 5967 authorized under s. 1002.37.

5968 Section 52. Subsection (5) and paragraph (b) of subsection  
 5969 (6) of section 1002.45, Florida Statutes, are amended to read:  
 5970 1002.45 Virtual instruction programs.—

5971 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual  
 5972 instruction program provided by the school district or by a  
 5973 virtual charter school ~~operated in the district in which he or~~  
 5974 ~~she resides if the student meets eligibility requirements for~~  
 5975 ~~virtual instruction pursuant to s. 1002.455.~~

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5976 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
 5977 enrolled in a virtual instruction program or virtual charter  
 5978 school must:

5979 (b) Take statewide assessments pursuant to s. 1008.22.  
 5980 Statewide assessments may be administered ~~state assessment tests~~  
 5981 within the school district in which such student resides, or as  
 5982 specified in the contract in accordance with s. 1008.24(3). If  
 5983 requested by the approved provider or virtual charter school,  
 5984 the district of residence ~~which~~ must provide the student with  
 5985 access to the district's testing facilities.

5986 Section 53. Paragraph (c) of subsection (2) and subsection  
 5987 (11) of section 1002.20, Florida Statutes, are amended,  
 5988 paragraph (d) of subsection (2) is redesignated as paragraph  
 5989 (e), a new paragraph (d) is added to subsection (2), and a new  
 5990 paragraph (m) is added to subsection (3), to read:

5991 1002.20 K-12 student and parent rights.—Parents of public  
 5992 school students must receive accurate and timely information  
 5993 regarding their child's academic progress and must be informed  
 5994 of ways they can help their child to succeed in school. K-12  
 5995 students and their parents are afforded numerous statutory  
 5996 rights including, but not limited to, the following:

5997 (2) ATTENDANCE.—

5998 (c) *Absence for religious purposes.*—A parent of a public  
 5999 school student may request and be granted permission for absence  
 6000 of the student from school for religious instruction or

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6001 religious holidays, in accordance with the provisions of s.  
 6002 1003.21(2)(b)1 ~~1003.21(2)(b)~~.

6003 (d) Absence for treatment of autism spectrum disorder.—A  
 6004 parent of a public school student may request and be granted  
 6005 permission for absence of the student from school for an  
 6006 appointment scheduled to receive a therapy service provided by a  
 6007 licensed health care practitioner or behavior analyst certified  
 6008 pursuant to s. 393.17 for the treatment of autism spectrum  
 6009 disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

6010 (3) HEALTH ISSUES.—

6011 (m) Sun-protective measures in school.—A student may  
 6012 possess and use a topical sunscreen product while on school  
 6013 property or at a school-sponsored event or activity without a  
 6014 physician's note or prescription if the product is regulated by  
 6015 the United States Food and Drug Administration for over-the-  
 6016 counter use to limit ultraviolet light-induced skin damage.

6017 (11) STUDENTS WITH READING DEFICIENCIES.—The parent of any  
 6018 K-3 student who exhibits a substantial reading deficiency shall  
 6019 be immediately notified of the student's deficiency pursuant to  
 6020 s. 1008.25(5) and ~~with a description and explanation, in terms~~  
 6021 ~~understandable to the parent, of the exact nature of the~~  
 6022 ~~student's difficulty in learning and lack of achievement in~~  
 6023 ~~reading;~~ shall be consulted in the development of a plan, as  
 6024 described in s. 1008.25(4)(b); ~~and shall be informed that the~~  
 6025 ~~student will be given intensive reading instruction until the~~

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6026 ~~deficiency is corrected. This subsection operates in addition to~~  
 6027 ~~the remediation and notification provisions contained in s.~~  
 6028 ~~1008.25 and in no way reduces the rights of a parent or the~~  
 6029 ~~responsibilities of a school district under that section.~~

6030 Section 54. Subsection (2) of section 1002.69, Florida  
 6031 Statutes, is amended to read:

6032 1002.69 Statewide kindergarten screening; kindergarten  
 6033 readiness rates; state-approved prekindergarten enrollment  
 6034 screening; good cause exemption.—

6035 (2) The statewide kindergarten screening shall provide  
 6036 objective data concerning each student's readiness for  
 6037 kindergarten and progress in attaining the performance standards  
 6038 adopted by the office under s. 1002.67(1). Data from the  
 6039 screening, along with other available data, must be used to  
 6040 identify students in need of intervention and support pursuant  
 6041 to s. 1008.25(5).

6042 Section 55. Subsection (3), paragraphs (a) and (c) of  
 6043 subsection (5), paragraph (b) of subsection (6), subsection (7),  
 6044 and paragraph (a) of subsection (8) of section 1008.25, Florida  
 6045 Statutes, are amended, paragraph (c) is added to subsection (4),  
 6046 to read:

6047 1008.25 Public school student progression; student  
 6048 support; reporting requirements.—

6049 (3) ALLOCATION OF RESOURCES.—District school boards shall  
 6050 allocate remedial and supplemental instruction resources to

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6051 students in the following priority:

6052 (a) Students in kindergarten through grade 3 who have a  
 6053 substantial deficiency ~~are deficient~~ in reading as determined in  
 6054 paragraph (5) (a) ~~by the end of grade 3~~.

6055 (b) Students who fail to meet performance levels required  
 6056 for promotion consistent with the district school board's plan  
 6057 for student progression required in subsection (2) ~~paragraph~~  
 6058 ~~(2) (b)~~.

6059 (4) ASSESSMENT AND SUPPORT.—

6060 (c) A student who has a substantial reading deficiency as  
 6061 determined in paragraph (5) (a) must be covered by a federally  
 6062 required student plan, such as an individual education plan or  
 6063 an individualized progress monitoring plan, or both, as  
 6064 necessary.

6065 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

6066 (a) Any student in kindergarten through grade 3 who  
 6067 exhibits a substantial deficiency in reading, ~~based upon~~  
 6068 screening, diagnostic, progress monitoring, or assessment data;  
 6069 ~~locally determined or statewide assessments; conducted in~~  
 6070 ~~kindergarten or grade 1, grade 2, or grade 3, or through teacher~~  
 6071 ~~observations,~~ must be provided given intensive, explicit,  
 6072 systematic, and multisensory reading interventions ~~instruction~~  
 6073 immediately following the identification of the reading  
 6074 deficiency. A school may not wait for a student to receive a  
 6075 failing grade at the end of a grading period to identify the



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6076 student as having a substantial reading deficiency and initiate  
 6077 intensive reading interventions. The student's reading  
 6078 proficiency must be monitored and the intensive interventions  
 6079 ~~instruction~~ must continue until the student demonstrates grade  
 6080 level proficiency in a manner determined by the district, which  
 6081 may include achieving a Level 3 on the statewide, standardized  
 6082 English Language Arts assessment. The State Board of Education  
 6083 shall identify by rule guidelines for determining whether a  
 6084 student in kindergarten through grade 3 has a substantial  
 6085 deficiency in reading.

6086 (c) The parent of any student who exhibits a substantial  
 6087 deficiency in reading, as described in paragraph (a), must be  
 6088 notified in writing of the following:

6089 1. That his or her child has been identified as having a  
 6090 substantial deficiency in reading, including a description and  
 6091 explanation, in terms understandable to the parent, of the exact  
 6092 nature of the student's difficulty in learning and lack of  
 6093 achievement in reading.

6094 2. A description of the current services that are provided  
 6095 to the child.

6096 3. A description of the proposed intensive interventions  
 6097 ~~supplemental instructional services~~ and supports that will be  
 6098 provided to the child that are designed to remediate the  
 6099 identified area of reading deficiency.

6100 4. That if the child's reading deficiency is not

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6101 remediated by the end of grade 3, the child must be retained  
 6102 unless he or she is exempt from mandatory retention for good  
 6103 cause.

6104 5. Strategies, including multisensory strategies, through  
 6105 a read-at-home plan the parent can ~~for parents to~~ use in helping  
 6106 his or her ~~their~~ child succeed in reading ~~proficiency~~.

6107 6. That the statewide, standardized English Language Arts  
 6108 assessment is not the sole determiner of promotion and that  
 6109 additional evaluations, portfolio reviews, and assessments are  
 6110 available to the child to assist parents and the school district  
 6111 in knowing when a child is reading at or above grade level and  
 6112 ready for grade promotion.

6113 7. The district's specific criteria and policies for a  
 6114 portfolio as provided in subparagraph (6) (b)4. and the evidence  
 6115 required for a student to demonstrate mastery of Florida's  
 6116 academic standards for English Language Arts. A parent of a  
 6117 student in grade 3 who is identified anytime during the year as  
 6118 being at risk of retention may request that the school  
 6119 immediately begin collecting evidence for a portfolio.

6120 8. The district's specific criteria and policies for  
 6121 midyear promotion. Midyear promotion means promotion of a  
 6122 retained student at any time during the year of retention once  
 6123 the student has demonstrated ability to read at grade level.

6124 (6) ELIMINATION OF SOCIAL PROMOTION.—

6125 (b) The district school board may only exempt students

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6126 | from mandatory retention, as provided in paragraph (5) (b), for  
 6127 | good cause. A student who is promoted to grade 4 with a good  
 6128 | cause exemption shall be provided intensive reading instruction  
 6129 | and intervention that include specialized diagnostic information  
 6130 | and specific reading strategies to meet the needs of each  
 6131 | student so promoted. The school district shall assist schools  
 6132 | and teachers with the implementation of explicit, systematic,  
 6133 | and multisensory reading instruction and intervention strategies  
 6134 | for students promoted with a good cause exemption which research  
 6135 | has shown to be successful in improving reading among students  
 6136 | who have reading difficulties. Good cause exemptions are limited  
 6137 | to the following:

6138 |         1. Limited English proficient students who have had less  
 6139 | than 2 years of instruction in an English for Speakers of Other  
 6140 | Languages program based on the initial date of entry into a  
 6141 | school in the United States.

6142 |         2. Students with disabilities whose individual education  
 6143 | plan indicates that participation in the statewide assessment  
 6144 | program is not appropriate, consistent with the requirements of  
 6145 | s. 1008.212.

6146 |         3. Students who demonstrate an acceptable level of  
 6147 | performance on an alternative standardized reading or English  
 6148 | Language Arts assessment approved by the State Board of  
 6149 | Education.

6150 |         4. A student who demonstrates through a student portfolio

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6151 that he or she is performing at least at Level 2 on the  
6152 statewide, standardized English Language Arts assessment.

6153 5. Students with disabilities who take the statewide,  
6154 standardized English Language Arts assessment and who have an  
6155 individual education plan or a Section 504 plan that reflects  
6156 that the student has received intensive instruction in reading  
6157 or English Language Arts for more than 2 years but still  
6158 demonstrates a deficiency and was previously retained in  
6159 kindergarten, grade 1, grade 2, or grade 3.

6160 6. Students who have received intensive reading  
6161 intervention for 2 or more years but still demonstrate a  
6162 deficiency in reading and who were previously retained in  
6163 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
6164 years. A student may not be retained more than once in grade 3.

6165 ~~7. Students who have received intensive remediation in~~  
6166 ~~reading or English Language Arts for 2 or more years but still~~  
6167 ~~demonstrate a deficiency and who were previously retained in~~  
6168 ~~kindergarten, grade 1, grade 2, or grade 3 for a total of 2~~  
6169 ~~years. Intensive instruction for students so promoted must~~  
6170 ~~include an altered instructional day that includes specialized~~  
6171 ~~diagnostic information and specific reading strategies for each~~  
6172 ~~student. The district school board shall assist schools and~~  
6173 ~~teachers to implement reading strategies that research has shown~~  
6174 ~~to be successful in improving reading among low-performing~~  
6175 ~~readers.~~

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6176 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE  
 6177 STUDENTS.—  
 6178 (a) Students retained under ~~the provisions of~~ paragraph  
 6179 (5) (b) must be provided intensive interventions in reading to  
 6180 ameliorate the student's specific reading deficiency and prepare  
 6181 the student for promotion to the next grade. These  
 6182 interventions, as identified by a valid and reliable diagnostic  
 6183 assessment. This intensive intervention must include:  
 6184 1. Evidence-based, explicit, systematic, and multisensory  
 6185 reading instruction in phonemic awareness, phonics, fluency,  
 6186 vocabulary, and comprehension and other strategies prescribed by  
 6187 the school district. effective instructional strategies,  
 6188 2. Participation in the school district's summer reading  
 6189 camp, which must incorporate the instructional and intervention  
 6190 strategies under subparagraph 1, and appropriate teaching  
 6191 methodologies necessary to assist those students in becoming  
 6192 successful readers, able to read at or above grade level, and  
 6193 ready for promotion to the next grade.  
 6194 3. A minimum of 90 minutes of daily, uninterrupted reading  
 6195 instruction incorporating the instructional and intervention  
 6196 strategies under subparagraph 1. This instruction may include:  
 6197 ~~(b) Each school district shall:~~  
 6198 ~~1. Provide third grade students who are retained under the~~  
 6199 ~~provisions of paragraph (5) (b) with intensive instructional~~  
 6200 ~~services and supports to remediate the identified areas of~~

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6201 ~~reading deficiency, including participation in the school~~  
 6202 ~~district's summer reading camp as required under paragraph (a),~~  
 6203 ~~and a minimum of 90 minutes of daily, uninterrupted,~~  
 6204 ~~scientifically research-based reading instruction which includes~~  
 6205 ~~phonemic awareness, phonics, fluency, vocabulary, and~~  
 6206 ~~comprehension and other strategies prescribed by the school~~  
 6207 ~~district, which may include, but are not limited to:~~  
 6208       a. Integration of content-rich texts in science and social  
 6209 studies ~~content~~ within the 90-minute block.  
 6210       b. Small group instruction.  
 6211       c. Reduced teacher-student ratios.  
 6212       d. More frequent progress monitoring.  
 6213       e. Tutoring or mentoring.  
 6214       f. Transition classes containing 3rd and 4th grade  
 6215 students.  
 6216       g. Extended school day, week, or year.  
 6217       (b) Each school district shall:  
 6218       ~~1.2.~~ Provide written notification to the parent of a  
 6219 student who is retained under ~~the provisions of~~ paragraph (5) (b)  
 6220 that his or her child has not met the proficiency level required  
 6221 for promotion and the reasons the child is not eligible for a  
 6222 good cause exemption as provided in paragraph (6) (b). The  
 6223 notification must comply with paragraph (5) (c) ~~the provisions of~~  
 6224 ~~s. 1002.20(15)~~ and must include a description of proposed  
 6225 interventions and supports that will be provided to the child to

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6226 remediate the identified areas of reading deficiency.

6227 ~~2.3.~~ Implement a policy for the midyear promotion of a  
 6228 student retained under ~~the provisions of~~ paragraph (5) (b) who  
 6229 can demonstrate that he or she is a successful and independent  
 6230 reader and performing at or above grade level in reading or,  
 6231 upon implementation of English Language Arts assessments,  
 6232 performing at or above grade level in English Language Arts.  
 6233 Tools that school districts may use in reevaluating a student  
 6234 retained may include subsequent assessments, alternative  
 6235 assessments, and portfolio reviews, in accordance with rules of  
 6236 the State Board of Education. Students promoted during the  
 6237 school year after November 1 must demonstrate proficiency levels  
 6238 in reading equivalent to the level necessary for the beginning  
 6239 of grade 4. The rules adopted by the State Board of Education  
 6240 must include standards that provide a reasonable expectation  
 6241 that the student's progress is sufficient to master appropriate  
 6242 grade 4 level reading skills.

6243 ~~3.4.~~ Provide students who are retained under ~~the~~  
 6244 ~~provisions of~~ paragraph (5) (b), including students participating  
 6245 in the school district's summer reading camp under subparagraph  
 6246 (a)2., with a highly effective teacher as determined by the  
 6247 teacher's performance evaluation under s. 1012.34, and,  
 6248 beginning July 1, 2020, the teacher must also be certified or  
 6249 endorsed in reading.

6250 ~~4.5.~~ Establish at each school, when applicable, an

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6251 intensive reading acceleration course ~~Class~~ for any student  
6252 retained in grade 3 who was previously retained in kindergarten,  
6253 grade 1, or grade 2 students who subsequently score Level 1 on  
6254 the required statewide, standardized assessment identified in s.  
6255 1008.22. The focus of the Intensive Acceleration Class shall be  
6256 to increase a child's reading and English Language Arts skill  
6257 level at least two grade levels in 1 school year. The intensive  
6258 reading acceleration course must provide the following ~~Class~~  
6259 ~~shall:~~

6260 a. Uninterrupted reading instruction for the majority of  
6261 student contact time each day and opportunities to master the  
6262 grade 4 Next Generation Sunshine State Standards in other core  
6263 subject areas through content-rich texts.

6264 b. Small group instruction.

6265 c. Reduced teacher-student ratios.

6266 d. The use of explicit, systematic, and multisensory  
6267 reading interventions, including intensive language, phonics,  
6268 and vocabulary instruction, and use of a speech-language  
6269 therapist if necessary, that have proven results in accelerating  
6270 student reading achievement within the same school year.

6271 e. A read-at-home plan.

6272 ~~a. Be provided to a student in grade 3 who scores Level 1~~  
6273 ~~on the statewide, standardized English Language Arts assessment~~  
6274 ~~and who was retained in grade 3 the prior year because of~~  
6275 ~~scoring Level 1.~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Exhibit "A"



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6276 ~~b. Have a reduced teacher-student ratio.~~

6277 ~~e. Provide uninterrupted reading instruction for the~~

6278 ~~majority of student contact time each day and incorporate~~

6279 ~~opportunities to master the grade 4 Next Generation Sunshine~~

6280 ~~State Standards in other core subject areas.~~

6281 ~~d. Use a reading program that is scientifically research-~~

6282 ~~based and has proven results in accelerating student reading~~

6283 ~~achievement within the same school year.~~

6284 ~~e. Provide intensive language and vocabulary instruction~~

6285 ~~using a scientifically research-based program, including use of~~

6286 ~~a speech-language therapist.~~

6287 (8) ANNUAL REPORT.—

6288 (a) In addition to the requirements in paragraph (5) (b),

6289 each district school board must annually report to the parent of

6290 each student the progress of the student toward achieving state

6291 and district expectations for proficiency in English Language

6292 Arts, science, social studies, and mathematics. The district

6293 school board must report to the parent the student's results on

6294 each statewide, standardized assessment. The evaluation of each

6295 student's progress must be based upon the student's classroom

6296 work, observations, tests, district and state assessments,

6297 response to intensive interventions provided under paragraph

6298 (5) (a), and other relevant information. Progress reporting must

6299 be provided to the parent in writing in a format adopted by the

6300 district school board.

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6301           Section 56. Subsection (2) of section 1011.67, Florida  
 6302 Statutes, is amended to read:  
 6303           1011.67 Funds for instructional materials.—  
 6304           (2) Annually by July 1 and before ~~prior to~~ the release of  
 6305 instructional materials funds, each district school  
 6306 superintendent shall certify to the Commissioner of Education  
 6307 that the district school board has approved a comprehensive  
 6308 staff development plan that supports fidelity of implementation  
 6309 of instructional materials programs, including. ~~The report shall~~  
 6310 ~~include~~ verification that training was provided; and that the  
 6311 materials are being implemented as designed; and, beginning July  
 6312 1, 2021, for core reading materials and reading intervention  
 6313 materials used in kindergarten through grade 5, that the  
 6314 materials meet the requirements of s. 1001.215(7). This  
 6315 paragraph does not preclude school districts from purchasing or  
 6316 using other materials to supplement reading instruction and  
 6317 provide additional skills practice.  
 6318           Section 57. Subsection (8) is added to section 1002.51,  
 6319 Florida Statutes, to read:  
 6320           1002.51 Definitions.—As used in this part, the term:  
 6321           (8) "Public school prekindergarten provider" includes a  
 6322 traditional public school or a charter school that is eligible  
 6323 to deliver the school-year prekindergarten program under s.  
 6324 1002.63 or the summer prekindergarten program under s. 1002.61.  
 6325           Section 58. Paragraph (b) of subsection (2) of section

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6326 | 1003.21, Florida Statutes, is amended to read:

6327 |       1003.21 School attendance.—

6328 |       (2)

6329 |       (b) Each district school board, in accordance with rules

6330 | of the State Board of Education, shall adopt policies

6331 | authorizing a policy that authorizes a parent to request and be

6332 | granted permission for absence of a student from school for:

6333 |       1. Religious instruction or religious holidays.

6334 |       2. An appointment scheduled to receive a therapy service

6335 | provided by a licensed health care practitioner or behavior

6336 | analyst certified pursuant to s. 393.17 for the treatment of

6337 | autism spectrum disorder, including, but not limited to, applied

6338 | behavioral analysis, speech therapy, and occupational therapy.

6339 |       Section 59. Subsection (4) of section 1003.24, Florida

6340 | Statutes, is amended to read:

6341 |       1003.24 Parents responsible for attendance of children;

6342 | attendance policy.—Each parent of a child within the compulsory

6343 | attendance age is responsible for the child's school attendance

6344 | as required by law. The absence of a student from school is

6345 | prima facie evidence of a violation of this section; however,

6346 | criminal prosecution under this chapter may not be brought

6347 | against a parent until the provisions of s. 1003.26 have been

6348 | complied with. A parent of a student is not responsible for the

6349 | student's nonattendance at school under any of the following

6350 | conditions:

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6351 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—  
 6352 Attendance was impracticable or inadvisable on account of  
 6353 sickness or injury, as attested to by a written statement of a  
 6354 licensed practicing physician, or was impracticable because of  
 6355 some other stated insurmountable condition as defined by and  
 6356 attested to in accordance with rules of the State Board of  
 6357 Education. If a student is continually sick and repeatedly  
 6358 absent from school, he or she must be under the supervision of a  
 6359 physician, or if the absence is related to the student having  
 6360 autism spectrum disorder, receiving services from a licensed  
 6361 health care practitioner or behavior analyst certified pursuant  
 6362 to s. 393.17, in order to receive an excuse from attendance.  
 6363 Such excuse provides that a student's condition justifies  
 6364 absence for more than the number of days permitted by the  
 6365 district school board.

6366  
 6367 Each district school board shall establish an attendance policy  
 6368 that includes, but is not limited to, the required number of  
 6369 days each school year that a student must be in attendance and  
 6370 the number of absences and tardinesses after which a statement  
 6371 explaining such absences and tardinesses must be on file at the  
 6372 school. Each school in the district must determine if an absence  
 6373 or tardiness is excused or unexcused according to criteria  
 6374 established by the district school board.

6375 Section 60. Paragraph (c) of subsection (1) of section

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6376 | 1003.4156, Florida Statutes, is amended to read:

6377 |       1003.4156 General requirements for middle grades  
6378 | promotion.—

6379 |       (1) In order for a student to be promoted to high school  
6380 | from a school that includes middle grades 6, 7, and 8, the  
6381 | student must successfully complete the following courses:

6382 |       ~~(c) One course in career and education planning to be~~  
6383 | ~~completed in 6th, 7th, or 8th grade. The course may be taught by~~  
6384 | ~~any member of the instructional staff. At a minimum, the course~~  
6385 | ~~must be Internet-based, easy to use, and customizable to each~~  
6386 | ~~student and include research-based assessments to assist~~  
6387 | ~~students in determining educational and career options and~~  
6388 | ~~goals. In addition, the course must result in a completed~~  
6389 | ~~personalized academic and career plan for the student; must~~  
6390 | ~~emphasize the importance of entrepreneurship skills; must~~  
6391 | ~~emphasize technology or the application of technology in career~~  
6392 | ~~fields; and, beginning in the 2014-2015 academic year, must~~  
6393 | ~~include information from the Department of Economic~~  
6394 | ~~Opportunity's economic security report as described in s.~~  
6395 | ~~445.07. The required personalized academic and career plan must~~  
6396 | ~~inform students of high school graduation requirements,~~  
6397 | ~~including a detailed explanation of the diploma designation~~  
6398 | ~~options provided under s. 1003.4285; high school assessment and~~  
6399 | ~~college entrance test requirements; Florida Bright Futures~~  
6400 | ~~Scholarship Program requirements; state university and Florida~~

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6401 ~~College System institution admission requirements; available~~  
 6402 ~~opportunities to earn college credit in high school, including~~  
 6403 ~~Advanced Placement courses; the International Baccalaureate~~  
 6404 ~~Program; the Advanced International Certificate of Education~~  
 6405 ~~Program; dual enrollment, including career dual enrollment; and~~  
 6406 ~~career education courses, including career-themed courses and~~  
 6407 ~~courses that lead to industry certification pursuant to s.~~  
 6408 ~~1003.492 or s. 1008.44.~~

6409  
 6410 ~~Each school must inform parents about the course curriculum and~~  
 6411 ~~activities. Each student shall complete a personal education~~  
 6412 ~~plan that must be signed by the student and the student's~~  
 6413 ~~parent. The Department of Education shall develop course~~  
 6414 ~~frameworks and professional development materials for the career~~  
 6415 ~~and education planning course. The course may be implemented as~~  
 6416 ~~a stand-alone course or integrated into another course or~~  
 6417 ~~courses. The Commissioner of Education shall collect~~  
 6418 ~~longitudinal high school course enrollment data by student~~  
 6419 ~~ethnicity in order to analyze course-taking patterns.~~

6420 Section 61. Subsection (3) of section 1003.57, Florida  
 6421 Statutes, is amended to read:

6422 1003.57 Exceptional students instruction.—

6423 (3) (a) For purposes of this subsection and subsection (4),  
 6424 the term:

6425 1. "Agency" means the Department of Children and Families

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6426 or its contracted lead agency, the Agency for Persons with  
 6427 Disabilities, and the Agency for Health Care Administration.

6428 2. "Exceptional student" means an exceptional student, as  
 6429 defined in s. 1003.01, who has a disability.

6430 3. "Receiving school district" means the district in which  
 6431 a private residential care facility is located.

6432 4. "Placement" means the funding or arrangement of funding  
 6433 by an agency for all or a part of the cost for an exceptional  
 6434 student to reside in a private residential care facility and the  
 6435 placement crosses school district lines.

6436 (b) Within 10 business days after an exceptional student  
 6437 is placed in a private residential care facility by an agency,  
 6438 the agency or private residential care facility licensed by the  
 6439 agency, as appropriate, shall provide written notification of  
 6440 the placement to the school district where the student is  
 6441 currently counted for funding purposes under s. 1011.62 and the  
 6442 receiving school district. The exceptional student shall be  
 6443 enrolled in school and receive a free and appropriate public  
 6444 education, special education, and related services while the  
 6445 notice and procedures regarding payment are pending. This  
 6446 paragraph applies when the placement is for the primary purpose  
 6447 of addressing residential or other noneducational needs and the  
 6448 placement crosses school district lines.

6449 (c) Within 10 business days after receiving the  
 6450 notification, the receiving school district must review the

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6451 student's individual educational plan (IEP) to determine if the  
 6452 student's IEP can be implemented by the receiving school  
 6453 district or by a provider or facility under contract with the  
 6454 receiving school district. The receiving school district shall:

- 6455 1. Provide educational instruction to the student;
- 6456 2. Contract with another provider or facility to provide
- 6457 the educational instruction; or
- 6458 3. Contract with the private residential care facility in
- 6459 which the student resides to provide the educational
- 6460 instruction; ~~or~~
- 6461 ~~4. Decline to provide or contract for educational~~
- 6462 ~~instruction.~~

6463  
 6464 ~~If the receiving school district declines to provide or contract~~  
 6465 ~~for the educational instruction, the school district in which~~  
 6466 ~~the legal residence of the student is located shall provide or~~  
 6467 ~~contract for the educational instruction to the student. The~~  
 6468 receiving school district providing that provides educational  
 6469 instruction or contracting ~~contracts~~ to provide educational  
 6470 instruction shall report the student for funding purposes  
 6471 pursuant to s. 1011.62.

6472 (d)1. The Department of Education, in consultation with  
 6473 the agencies and school districts, shall develop procedures for  
 6474 written notification to school districts regarding the placement  
 6475 of an exceptional student in a residential care facility. The



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6476 | procedures must:

6477 |       a. Provide for written notification of a placement that  
6478 | crosses school district lines; and

6479 |       b. Identify the entity responsible for the notification  
6480 | for each facility that is operated, licensed, or regulated by an  
6481 | agency.

6482 |       2. The State Board of Education shall adopt the procedures  
6483 | by rule pursuant to ss. 120.536(1) and 120.54, and the agencies  
6484 | shall implement the procedures.

6485 |

6486 | The requirements of paragraphs (c) and (d) do not apply to  
6487 | written agreements among school districts which specify each  
6488 | school district's responsibility for providing and paying for  
6489 | educational services to an exceptional student in a residential  
6490 | care facility. However, each agreement must require a school  
6491 | district to review the student's IEP within 10 business days  
6492 | after receiving the notification required under paragraph (b).

6493 |       Section 62. Paragraph (a) of subsection (3) of section  
6494 | 1006.40, Florida Statutes, is amended to read:

6495 |       1006.40 Use of instructional materials allocation;  
6496 | instructional materials, library books, and reference books;  
6497 | repair of books.—

6498 |       (3) (a) Except for a school district or a consortium of  
6499 | school districts that implements an instructional materials  
6500 | program pursuant to s. 1006.283 ~~Beginning with the 2015-2016~~

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6501 ~~fiscal year~~, each district school board shall use ~~at least 50~~  
 6502 ~~percent~~ of the annual allocation only for the purchase of  
 6503 ~~digital or electronic~~ instructional materials that align with  
 6504 state standards and are included on the state-adopted list,  
 6505 except as otherwise authorized in paragraphs (b) and (c).

6506 Section 63. Subsections (1) and (4) of section 1009.60,  
 6507 Florida Statutes, are amended to read:

6508 1009.60 Minority teacher education scholars program.—There  
 6509 is created the minority teacher education scholars program,  
 6510 which is a collaborative performance-based scholarship program  
 6511 for African-American, Hispanic-American, Asian-American, and  
 6512 Native American students. The participants in the program  
 6513 include Florida's Florida College System institutions and its  
 6514 public and private universities that have teacher education  
 6515 programs.

6516 (1) The minority teacher education scholars program shall  
 6517 provide an annual scholarship in an amount that shall be  
 6518 prorated based on available appropriations and may not exceed  
 6519 \$4,000 for each approved minority teacher education scholar who  
 6520 is enrolled in one of Florida's public or private colleges or  
 6521 universities, in the junior year and is admitted into a teacher  
 6522 education program, and has not earned more than 18 credit hours  
 6523 of upper-division-level courses in education.

6524 (4) A student may receive a scholarship from the program  
 6525 for 3 consecutive years if the student remains enrolled full-

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6526 | time in the program and makes satisfactory progress toward a  
 6527 | baccalaureate degree with a major in education or a graduate  
 6528 | degree with a major in education, leading to initial  
 6529 | certification.

6530 | Section 64. Paragraph (a) of subsection (2) of section  
 6531 | 1009.605, Florida Statutes, is amended to read:

6532 | 1009.605 Florida Fund for Minority Teachers, Inc.—

6533 | (2) (a) The corporation shall submit an annual budget  
 6534 | projection to the Department of Education to be included in the  
 6535 | annual legislative budget request. The projection must be based  
 6536 | on the cost to award up to 350 scholarships to new scholars ~~in~~  
 6537 | ~~the junior year~~ and up to 350 renewal scholarships ~~to the 350~~  
 6538 | ~~rising seniors.~~

6539 | Section 65. Committee on Early Grade Success.—The  
 6540 | Committee on Early Grade Success, a committee as defined in s.  
 6541 | 20.03, Florida Statutes, is created within the Department of  
 6542 | Education to develop a proposal for establishing and  
 6543 | implementing a coordinated child assessment system for the  
 6544 | School Readiness Program, the Voluntary Prekindergarten  
 6545 | Education Program, and the Kindergarten Readiness Assessment  
 6546 | and, except as otherwise provided in this section, shall operate  
 6547 | consistent with s. 20.052, Florida Statutes.

6548 | (1) The committee's proposal must include legislative  
 6549 | recommendations for the design and implementation of a  
 6550 | coordinated child assessment system, including, but not limited

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6551 to:

6552 (a) The purpose of a child assessment, with a focus on  
 6553 developmentally appropriate learning gains.

6554 (b) Attributes for tool selection that provide guidance on  
 6555 procurement policies.

6556 (c) An implementation schedule and protocols, including  
 6557 the frequency of data collection and a timeline for training to  
 6558 ensure reliability of the system.

6559 (d) The methodology for collecting and analyzing data that  
 6560 define reporting requirements.

6561 (e) A budget for the system, including cost analyses for  
 6562 purchasing materials and the necessary technology, training to  
 6563 ensure reliability, and data system management.

6564 (f) Considerations for student privacy and tracking child  
 6565 development over time.

6566 (2) The committee is composed of 17 members who are  
 6567 residents of the state and appointed as follows:

6568 (a) Three members appointed by the Governor:

6569 1. One representative from the Office of Early Learning.

6570 2. One representative from the Department of Education.

6571 3. One parent of a child who is 3 to 6 years of age.

6572 (b) Fourteen members jointly appointed by the President of  
 6573 the Senate and the Speaker of the House of Representatives:

6574 1. One representative of an urban school district.

6575 2. One representative of a rural school district.

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- 6576           3. One representative of an urban early learning  
 6577 coalition.
- 6578           4. One representative of a rural early learning coalition.
- 6579           5. One representative of an early learning provider.
- 6580           6. One representative of a faith-based early learning  
 6581 provider.
- 6582           7. One representative who is a kindergarten teacher with  
 6583 at least 5 years of teaching experience.
- 6584           8. One representative who is an elementary school  
 6585 principal.
- 6586           9. Four representatives with subject matter expertise in  
 6587 early learning, early grade success, or child assessments. The  
 6588 four representatives may not be direct stakeholders within the  
 6589 early learning or public school systems or potential recipients  
 6590 of a contract resulting from the committee's proposal.
- 6591           10. One member of the Senate.
- 6592           11. One member of the House of Representatives.
- 6593           (3) The committee shall elect a chair and vice chair. The  
 6594 chair must be one of the four members with subject matter  
 6595 expertise in early learning, early grade success, or child  
 6596 assessments. The vice chair must be a member appointed by the  
 6597 President of the Senate and the Speaker of the House of  
 6598 Representatives, who is not one of the four members who are  
 6599 subject matter experts in early learning, early grade success,  
 6600 or child assessments. Members of the committee shall serve

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6601 without compensation but are entitled to reimbursement for per  
 6602 diem and travel expenses pursuant to s. 112.061, Florida  
 6603 Statutes.

6604 (4) The committee must meet at least three times and shall  
 6605 meet by teleconference or other electronic means, if possible,  
 6606 to reduce costs.

6607 (5) A majority of the members constitutes a quorum.

6608 (6) The University of Florida Lastinger Center for  
 6609 Learning shall provide the committee with staff necessary to  
 6610 assist the committee in the performance of its duties.

6611 (7) The committee shall submit a report of its findings  
 6612 and recommendations to the Governor, the President of the  
 6613 Senate, and the Speaker of the House of Representatives by  
 6614 December 1, 2017. Upon submission of the report, the committee  
 6615 shall expire.

6616 (8) The State Board of Education may adopt rules to  
 6617 implement and administer this section.

6618 Section 66. Section 1013.101, Florida Statutes, is created  
 6619 to read:

6620 1013.101 Shared use agreements.-

6621 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds  
 6622 that greater public access to recreation and sports facilities  
 6623 is needed to reduce the impact of obesity, diabetes, and other  
 6624 chronic diseases on personal health and health care  
 6625 expenditures. Public schools are equipped with taxpayer-funded

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6626 | indoor and outdoor recreation facilities that offer easily  
 6627 | accessible opportunities for physical activity for residents of  
 6628 | the community. The Legislature also finds that it is the policy  
 6629 | of the state for district school boards to allow the shared use  
 6630 | of school buildings and property by adopting policies allowing  
 6631 | for shared use and implementing shared use agreements with local  
 6632 | governmental entities and nonprofit organizations. The  
 6633 | Legislature intends to increase the number of school districts  
 6634 | that open their playground facilities to community use outside  
 6635 | of school hours.

6636 | (2) DEFINITIONS.—As used in this section, the term:

6637 | (a) "High-need communities" means communities in which at  
 6638 | least 50 percent of children are eligible to receive free or  
 6639 | reduced-price meals at the school that will be the subject of  
 6640 | the shared use agreement.

6641 | (b) "Shared use" means allowing access to school  
 6642 | playground facilities by community members for recreation or  
 6643 | another purpose of importance to the community through a shared  
 6644 | use agreement or a school district or school policy that opens  
 6645 | school facilities, including, but not limited to charter schools  
 6646 | and Florida College System institutions, for use by government  
 6647 | or nongovernmental entities or the public.

6648 | (c) "Shared use agreement" means a written agreement  
 6649 | between a school district, a charter school, or a Florida  
 6650 | College System institution, and a government or nongovernmental

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6651 entity which defines the roles, responsibilities, terms, and  
 6652 conditions for community use of a school-owned facility for  
 6653 recreation or other purposes.

6654 (3) PROMOTION OF COMMUNITY USE OF SHARED FACILITIES.—The  
 6655 department shall provide technical assistance to school  
 6656 districts, including, but not limited to, individualized  
 6657 assistance, the creation of a shared use technical assistance  
 6658 toolkit containing useful information for school districts, and  
 6659 the development of a publicly accessible online database of  
 6660 shared use resources and existing shared use agreements.

6661 Section 67. Shared Use Task Force.—The Shared Use Task  
 6662 Force, a task force as defined in s. 20.03, Florida Statutes, is  
 6663 created within the Department of Education. The task force is  
 6664 created to identify barriers in creating shared use agreements  
 6665 and to make recommendations to facilitate the shared use of  
 6666 school facilities generally and in high-need communities.

6667 (1) The task force is composed of seven members appointed  
 6668 by the department, as follows:

6669 (a) Two representatives from school districts, including  
 6670 one representative from school districts 1 through 33 and one  
 6671 representative from school districts 34 through 67;

6672 (b) One representative from a public health department;

6673 (c) Two representatives from community-based programs in  
 6674 high-need communities; and

6675 (d) Two representatives from recreational organizations.



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6676       (2) The task force shall elect a chair and vice chair. The  
6677 chair and vice chair may not be representatives from the same  
6678 member category. Members of the task force shall serve without  
6679 compensation, but are entitled to reimbursement for per diem and  
6680 travel expenses pursuant to s. 112.061, Florida Statutes.

6681       (3) The task force shall meet by teleconference or other  
6682 electronic means, if possible, to reduce costs.

6683       (4) The department shall provide the task force with staff  
6684 necessary to assist the task force in the performance of its  
6685 duties.

6686       (5) The task force shall submit a report of its findings  
6687 and recommendations to the President of the Senate and the  
6688 Speaker of the House of Representatives by June 30, 2018. Upon  
6689 submission of the report, the task force shall expire.

6690       Section 68. Paragraph (b) of subsection (1) of section  
6691 125.901, Florida Statutes, is amended to read:

6692       125.901 Children's services; independent special district;  
6693 council; powers, duties, and functions; public records  
6694 exemption.—

6695       (1) Each county may by ordinance create an independent  
6696 special district, as defined in ss. 189.012 and 200.001(8)(e),  
6697 to provide funding for children's services throughout the county  
6698 in accordance with this section. The boundaries of such district  
6699 shall be coterminous with the boundaries of the county. The  
6700 county governing body shall obtain approval, by a majority vote

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6701 of those electors voting on the question, to annually levy ad  
 6702 valorem taxes which shall not exceed the maximum millage rate  
 6703 authorized by this section. Any district created pursuant to the  
 6704 provisions of this subsection shall be required to levy and fix  
 6705 millage subject to the provisions of s. 200.065. Once such  
 6706 millage is approved by the electorate, the district shall not be  
 6707 required to seek approval of the electorate in future years to  
 6708 levy the previously approved millage.

6709 (b) However, any county as defined in s. 125.011(1) may  
 6710 instead have a governing body consisting of 33 members,  
 6711 including: the superintendent of schools, or his or her  
 6712 designee; two representatives of public postsecondary education  
 6713 institutions located in the county; the county manager or the  
 6714 equivalent county officer; the district administrator from the  
 6715 appropriate district of the Department of Children and Families,  
 6716 or the administrator's designee who is a member of the Senior  
 6717 Management Service or the Selected Exempt Service; the director  
 6718 of the county health department or the director's designee; the  
 6719 state attorney for the county or the state attorney's designee;  
 6720 the chief judge assigned to juvenile cases, or another juvenile  
 6721 judge who is the chief judge's designee and who shall sit as a  
 6722 voting member of the board, except that the judge may not vote  
 6723 or participate in setting ad valorem taxes under this section;  
 6724 an individual who is selected by the board of the local United  
 6725 Way or its equivalent; a member of a locally recognized faith-

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6726 based coalition, selected by that coalition; a member of the  
 6727 local chamber of commerce, selected by that chamber or, if more  
 6728 than one chamber exists within the county, a person selected by  
 6729 a coalition of the local chambers; a member of the early  
 6730 learning coalition, selected by that coalition; a representative  
 6731 of a labor organization or union active in the county; a member  
 6732 of a local alliance or coalition engaged in cross-system  
 6733 planning for health and social service delivery in the county,  
 6734 selected by that alliance or coalition; a member of the local  
 6735 Parent-Teachers Association/Parent-Teacher-Student Association,  
 6736 selected by that association; a youth representative selected by  
 6737 the local school system's student government; a local school  
 6738 board member appointed by the chair of the school board; the  
 6739 mayor of the county or the mayor's designee; one member of the  
 6740 county governing body, appointed by the chair of that body; a  
 6741 member of the state Legislature who represents residents of the  
 6742 county, selected by the chair of the local legislative  
 6743 delegation; an elected official representing the residents of a  
 6744 municipality in the county, selected by the county municipal  
 6745 league; and 4 members-at-large, appointed to the council by the  
 6746 majority of sitting council members. The remaining 7 members  
 6747 shall be appointed by the Governor in accordance with procedures  
 6748 set forth in paragraph (a), except that the Governor may remove  
 6749 a member for cause or upon the written petition of the council.  
 6750 Appointments by the Governor must, to the extent reasonably

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6751 possible, represent the geographic and demographic diversity of  
 6752 the population of the county. Members who are appointed to the  
 6753 council by reason of their position are not subject to the  
 6754 length of terms and limits on consecutive terms as provided in  
 6755 this section. The remaining appointed members of the governing  
 6756 body shall be appointed to serve 2-year terms, except that those  
 6757 members appointed by the Governor shall be appointed to serve 4-  
 6758 year terms, and the youth representative and the legislative  
 6759 delegate shall be appointed to serve 1-year terms. A member may  
 6760 be reappointed; however, a member may not serve for more than  
 6761 three consecutive terms. A member is eligible to be appointed  
 6762 again after a 2-year hiatus from the council.

6763 Section 69. Section 1003.481, Florida Statutes, is created  
 6764 to read:

6765 1003.481 Early Childhood Music Education Incentive Pilot  
 6766 Program.—

6767 (1) Beginning with the 2017-2018 school year, the Early  
 6768 Childhood Music Education Incentive Pilot Program is created  
 6769 within the Department of Education for a period of 3 school  
 6770 years. The purpose of the pilot program is to assist selected  
 6771 school districts in implementing comprehensive music education  
 6772 programs for students in kindergarten through grade 2.

6773 (2) In order for a school district to be eligible for  
 6774 participation in the pilot program, the superintendent must  
 6775 certify to the Commissioner of Education, in a format prescribed

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6776 by the department, that each elementary school within the  
 6777 district has established a comprehensive music education program  
 6778 that:

6779 (a) Includes all students at the school enrolled in  
 6780 kindergarten through grade 2.

6781 (b) Is staffed by certified music educators.

6782 (c) Provides music instruction for at least 30 consecutive  
 6783 minutes 2 days a week.

6784 (d) Complies with class size requirements under s.  
 6785 1003.03.

6786 (e) Complies with the department's standards for early  
 6787 childhood music education programs for students in kindergarten  
 6788 through grade 2.

6789 (3) (a) The commissioner shall select school districts for  
 6790 participation in the pilot program, subject to legislative  
 6791 appropriation, based on the school district's proximity to the  
 6792 University of Florida and needs-based criteria established by  
 6793 the State Board of Education. Selected school districts shall  
 6794 annually receive \$150 per full-time equivalent student in  
 6795 kindergarten through grade 2 who is enrolled in a comprehensive  
 6796 music education program.

6797 (b) To maintain eligibility for participation in the pilot  
 6798 program, a selected school district must annually certify to the  
 6799 commissioner, in a format prescribed by the department, that  
 6800 each elementary school within the district provides a

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6801 comprehensive music education program that meets the  
 6802 requirements of subsection (2). If a selected school district  
 6803 fails to provide the annual certification for a fiscal year, the  
 6804 school district must return all funds received through the pilot  
 6805 program for that fiscal year.

6806 (4) The University of Florida's College of Education shall  
 6807 evaluate the effectiveness of the pilot program by measuring  
 6808 student academic performance and the success of the program. The  
 6809 evaluation must include, but is not limited to, a quantitative  
 6810 analysis of student achievement and a qualitative evaluation of  
 6811 students enrolled in the comprehensive music education programs.

6812 (5) The State Board of Education may adopt rules to  
 6813 administer this section.

6814 (6) This section expires June 30, 2020.

6815 Section 70. If any provision of this act or its  
 6816 application to any person or circumstance is held invalid, the  
 6817 invalidity does not affect the remaining provisions or  
 6818 applications of the act which can be given effect without the  
 6819 invalid provision or application, and to this end the provisions  
 6820 of this act are severable.

6821 Section 71. For the 2017-2018 fiscal year, \$413,950,000 in  
 6822 recurring funds from the General Revenue Fund and \$5 million in  
 6823 nonrecurring funds from the General Revenue Fund are  
 6824 appropriated to the Department of Education to implement this  
 6825 act. Of these funds, \$233,950,000 shall be used to implement the

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6826 | Best and Brightest Teacher Scholarship Program pursuant to s.  
 6827 | 1012.731, Florida Statutes, and the Best and Brightest Principal  
 6828 | Scholarship Program pursuant to s. 1012.732, Florida Statutes,  
 6829 | \$30 million shall be used to implement the Gardiner Scholarship  
 6830 | Program pursuant to s. 1002.385, Florida Statutes, and \$10  
 6831 | million in recurring funds and \$5 million in nonrecurring funds  
 6832 | shall be used to implement the provisions of this act relating  
 6833 | to statewide student assessments. The remaining funds shall be  
 6834 | used to implement the remaining provisions of this act, except  
 6835 | for the implementation of the Early Childhood Music Education  
 6836 | Incentive Pilot Program, as created by s. 1003.481, Florida  
 6837 | Statutes, the Committee on Early Grade Success, as created by  
 6838 | section 65 of this act, and the Shared Use Task Force, as  
 6839 | created by section 67 of this act.

6840 |       Section 72. Except as otherwise expressly provided in this  
 6841 | act and except for this section, which shall take effect upon  
 6842 | this act becoming a law, this act shall take effect July 1,  
 6843 | 2017.

# **EXHIBIT 7**



IN THE CIRCUIT COURT OF THE 2ND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

SCHOOL BOARD OF PALM BEACH  
COUNTY,

Case No.

Plaintiff,

v.

FLORIDA STATE BOARD OF EDUCATION;  
FLORIDA DEPARTMENT OF EDUCATION;  
and PAM STEWART, in her official capacity as  
Florida Commissioner of Education and member  
of the State Board of Education.

Defendants.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. This is a lawsuit for declaratory and injunctive relief, in which Plaintiff challenges the constitutionality of § 1013.62(1), (3) and § 1011.71(2), Fla. Stat. (“Charter School Millage Provisions”). Under these provisions, Florida school districts are required to distribute to charter schools within their districts a portion of the discretionary ad valorem tax revenues authorized under § 1011.71(2), which are set aside for capital expenses (“Capital Outlay Millage”). The amount of Capital Outlay Millage revenues that districts must provide to charter schools is determined by Defendant, Florida Department of Education, based on a statutorily mandated methodology. Pursuant to § 1013.62(3)(e), districts must distribute the funds to charter schools no later than February 1, 2018, for the 2017-2018 fiscal year.

2. The Charter School Millage Provisions violate three sections of the Florida Constitution: (a) Article IX, § 4(b), which provides that “[t]he school board shall operate, control and supervise all free public schools within the school district and determine the rate of

school district taxes”; (b) Article VII, § 9(a), which provides that “[c]ounties, school districts, and municipalities shall...be authorized by law to levy ad valorem taxes...for their respective taxes; and (c) Article VII, § 1(a), which prohibits the levy state ad valorem taxes upon “real estate or tangible personal property.”

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over this lawsuit pursuant to Article V, § 20(c)(3), of the Florida Constitution, and § 26.012(2)(c), (3) and § 86.011, Fla. Stat.

4. Venue lies in this Court because Defendants maintain their principal places of business in Leon County.

### **PARTIES**

5. Plaintiff School Board of Palm Beach County (“School Board”) is the governing body for the School District of Palm Beach County (“District”), the fifth largest in the State of Florida with 185 schools, serving more than 194,300 students.

6. Defendant Florida Department of Education (“FDOE”) is the administrative agency that is responsible for implementing Florida’s education policies and programs, including § 1013.62 and § 1011.71(2), Fla. Stat. Specifically, FDOE is charged with using the methodology specified in § 1013.62(3) to determine the amount of Capital Outlay Millage Revenue that the District must distribute to charter schools.

7. Defendant State Board of Education (“SBE”) is responsible for overseeing the FDOE.

8. Defendant Pam Stewart is Florida Commissioner of Education and a member of SBE. As Commissioner of Education, Stewart oversees the operation of FDOE, which is charged with determining the amount of Capital Outlay Millage revenue that the District must distribute to charter schools. Stewart is sued in her official capacity.

## FACTUAL BACKGROUND

9. On June 15, 2016, House Bill 7069 (“HB 7069”), “An act relating to education,” was signed into law by Governor Rick Scott. The 278-page bill amends and creates a variety of statutes concerning education within the state of Florida.

10. Among the statutes amended by HB 7069 were § 1011.71(2) and § 1013.62, Fla. Stat. As amended, these statutes mandate that school districts distribute a portion of their Capital Outlay Millage revenues to eligible charter schools.

11. Under Article VII, § 9 of the Florida Constitution, school districts “shall be authorized by law to levy ad valorem taxes” not to exceed ten mills “for all schools purposes.” Pursuant to Article VII, § 9, § 1011.71(2), Fla. Stat., authorizes school boards to levy an ad valorem tax of no more than 1.5 mills against the taxable property value for capital expenses, including new construction and remodeling projects; maintenance, renovation, and repair of existing school facilities or leased facilities to correct deficiencies; the purchase, lease-purchase or lease of school buses and new or replacement technology; and several other purposes set forth under the statute. § 1011.71(2)(a)-(k), Fla. Stat.

12. Prior to the passage of HB 7069, school boards had the ability to use their discretion regarding whether to distribute a portion of their Capital Outlay Millage revenues to charter schools. As amended, § 1011.71(2) now mandates that the Capital Outlay Millage revenues be used for “school purposes for charter schools,” in addition to district schools. It provides that:

In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value **for school purposes for charter schools pursuant to s. 1013.62(3)** and for district schools to fund [capital projects and other items specified in subsections (a)-(k)].

§ 1011.71(2), Fla. Stat. (emphasis added).

13. Prior to the passage of HB 7069, § 1013.62 governed the allocation and use of charter school capital outlay funds appropriated by the state. HB 7069 amended subsection (1) and added a new subsection (3), which together mandate that school districts annually distribute a portion of the Capital Outlay Millage revenues to eligible charter schools, in an amount calculated and determined by FDOE.

14. Section 1013.62 states that:

(1) **Charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2)** and state funds when such funds are appropriated in the General Appropriations Act.

...

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the [methodology specified in subsections (a)-(e)] to determine the amount of revenue that **a school district must distribute to each eligible charter school**[.]

§ 1013.62, Fla. Stat. (emphasis added).

15. The statute directs FDOE to determine the amount of Capital Outlay Millage revenues that school districts must distribute to charter schools based on a methodology set forth under § 1013.62(3). Districts are bound by FDOE’s final determination of the capital outlay allocation for each charter school and school boards are precluded from exercising any control or discretion to determine the most appropriate uses of these funds. Moreover, the statute does not provide any avenue for school districts to challenge FDOE’s application and interpretation of the statutorily prescribed methodology.

16. First, under the methodology set forth, FDOE reduces the district’s “total discretionary millage revenue by the school district’s annual debt service incurred as of March 1, 2017[.]” § 1013.62(3)(a), Fla. Stat. For districts subject to a “participation requirement”

pursuant to § 1013.64(2)(a)(8), FDOE also reduces the total discretionary millage revenue by the amount of the participation requirement “that is being satisfied by revenues raised by the discretionary millage.” *Id.*<sup>1</sup>

17. FDOE then calculates the share of revenues that the district must distribute to charter schools from the adjusted discretionary millage amount based on a full-time equivalent (“FTE”) student basis. Specifically, § 1013.62(3) directs FDOE to:

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

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

§ 10136.62(3), Fla. Stat.

18. Finally, if applicable, the statute directs FDOE to “reduce the capital outlay allocation identified in [§1013.62(3)(c)] by the total amount of state funds allocated to each eligible charter school in [§ 1013.62(2)] to determine the maximum calculated outlay allocation.”

§ 1013.62(3)(d), Fla. Stat.

19. The statutory formula set forth under § 1013.62(3) is illustrated in Figure 1 below:

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<sup>1</sup> Section 1013.64(2)(a)(8) requires districts that seek funding from FDOE’s Special Facility Construction Account to budget a portion of their discretionary millage revenues to the project for which funding is sought in order to meet a district’s “participation requirement.” The District does not receive funding from FDOE’s Special Facility Construction Account and therefore does not use millage revenues to satisfy a participation requirement.

**FIGURE 1**

|   |   |
|---|---|
| <b><u>Abbreviations</u></b><br>MR = Millage Revenue<br>COA = Capital Outlay Allocation<br>FTE = Full-time Equivalent Student<br>ECS = Eligible Charter School |   |
| <b>Adjusted Discretionary MR</b>  | = Total Discretionary MR – (Debt Service as of Mar. 1, 2017 Satisfied by MR + Participation Requirement Satisfied by MR, if applicable) |
| <b>COA per FTE</b>  | = $\frac{\text{Adjusted Discretionary MR}}{(\text{District Total CO FTE membership} + \text{Total Unweighted FTE for all ECS})}$        |
| <b>COA per CS</b>   | = COA per FTE x Total FTE for each CS   |
| <i>If applicable:</i><br><b>Max. COA</b> = COA per CS – Total State Funds Allocated to CS   |   |

20. School districts must begin distributing “capital outlay funds to charter schools no later than February 1 of each year, beginning on February 1, 2018, for the 2017-2018 fiscal year.” § 1013.62(3)(e), Fla. Stat.

21. Charter schools which meet the criteria set forth in § 1013.62(1)(a) are eligible to receive a proportionate share of the school district’s Capital Outlay Millage funds each year, regardless of the charter school’s actual need. Some of the eligibility criteria are tied to the length of time that the charter school has been in operation or the length of time that the school’s governing board has been established in the state. For example, under § 1013.62(1)(a)(1), a charter school is eligible to receive capital outlay funds if it has “been in operation for 2 or more

years,” provided that it meets the other criteria set forth under subparagraphs 2-5.<sup>2</sup> Thus, the number of eligible charter schools will grow each year as additional charter schools become eligible for funding based on the length of time that they have been in operation.

22. The Charter School Millage Provisions have resulted and will continue to result in an unlawful infringement on the Board’s constitutionally granted authority to operate, control and supervise all free public schools within the District and determine the rate of school district taxes, and to levy ad valorem taxes for school district purposes. Moreover, these statutory provisions are in effect an unconstitutional ad valorem tax levied by the State.

23. Currently, there are 33 charter schools within the District that are eligible to receive Capital Outlay Millage revenues under section 1013.62.<sup>3</sup> As a result of the Charter School Millage Provisions, the Board estimates that for the fiscal year 2017-2018, it will be

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<sup>2</sup> The complete list of criteria, as set forth under § 1013.62(1)(a), Fla. Stat., is as follows:

- (a) To be eligible to receive capital outlay funds, a charter school must:
  1. a. Have been in operation for 2 or more years;
  - b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;
  - c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;
  - d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; or
  - e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b).
2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.
3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.
4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.
5. Serve students in facilities that are not provided by the charter school’s sponsor.

<sup>3</sup> This number could change during the fiscal year.

required by the Legislature to divert to these charter schools approximately \$8 million in Capital Outlay Millage revenues. These funds were previously earmarked for capital projects at traditional public schools within the District. For this reason, an analysis released by Moody's Investors Service on June 21, 2017 stated that the Charter School Millage mandate is credit negative for large school districts like Palm Beach County (*i.e.*, the district's credit rating will decline which will make future loans more costly and difficult to obtain), which have significant charter school enrollment.

24. The number of charter schools within the District eligible to receive Capital Outlay Millage revenues – and thus the amount of funds that the District must distribute to charter schools – is expected to grow each year. Even if the number of charter schools within the District eligible to receive Capital Outlay revenues were to remain the same, the Board estimates that it would be required by the Legislature to distribute over three-hundred million dollars of locally generated ad valorem tax revenues to charter schools over the next 10 years. Given the expected growth of charter schools, this number is likely to be much higher. However, the District is unable to reliably predict the total impact of the Charter School Millage Provisions because it does not know what the level of charter school growth will be over the next 10 years.

25. Once the Capital Outlay Millage funds are distributed to charter schools, the charter schools have broad discretion concerning the use of these funds and the Board's role is limited to ensuring that charter schools use the funds for one of the general purposes specified under § 1013.62(4). The Board has no authority to otherwise supervise or control the use of the funds or to ensure that the funds are used in an efficient manner and for necessary purposes. Since the Board lacks meaningful control over the discretionary ad valorem tax revenues



distributed to charter schools, there are no means for the residents of Palm Beach County, who elect the Board, to hold charter schools accountable for the use of their tax dollars.

26. In contrast, the Board's use of the Capital Outlay Millage funds is subject to statutory requirements designed to ensure public accountability. Each year, the Board must "adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public." §§ 1011.012 and 1013.61, Fla. Stat. The capital outlay budget must "be based upon and in harmony with the" comprehensive educational plant and ancillary facilities plan that the Board is required to prepare and adopt each year. *See* §1013.35, Fla. Stat.; *see also* § 1013.31(1), Fla. Stat. (requiring school boards to arrange for an educational plant survey at least every 5 years, which must be reviewed and validated by Defendant SBE). Additionally, pursuant to the Florida Truth in Millage ("TRIM") Act, § 200.065, Fla. Stat., the Board is required to hold public hearings before adopting a capital outlay budget and to advertise its intent to adopt the capital outlay millage rate and capital outlay budget in a newspaper of general circulation. § 200.065(2), Fla. Stat. Collectively, these statutory requirements ensure that the Board's use of Capital Outlay Millage revenues is transparent to the public and based upon careful consideration and well-reasoned planning.

27. Although the Board is required to inform the public that the capital outlay budget will include charter school outlay projects, the public notice does not include details regarding the charter schools' intended use of these funds and charter school representatives are not required to attend the public hearings. Thus, while the Board may respond to public input and revise the budget based on that input for expenditures in public schools from the discretionary millage funds, budgetary expenditures by charter schools from discretionary millage are not subject to any modification at all, regardless of public input.

28. As a result of the loss of capital outlay revenues to charter schools, the Board has been and will continue to be forced to eliminate and delay projects included in its annual capital outlay budget, which the Board has determined to be necessary and appropriate. These projects include, but are not limited to, maintenance of existing facilities which is needed to correct years of deferred maintenance, technology upgrades and improvements, and the replacement of school buses and support vehicles.

29. There is a *bona fide* dispute between the parties as to the constitutionality of § 1011.71(2) and § 1013.62(1) and (3), Fla. Stat., as to which they have actual, present, adverse, and antagonistic interests.

### **FIRST CAUSE OF ACTION**

#### **(Violation of Article IX, § 4(b) of the Florida Constitution)**

30. The allegations in Paragraphs 1-29 are re-alleged and incorporated herein by reference.

31. Article IX, § 4(b) of the Florida Constitution provides that “[t]he school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes.”

32. By mandating that school boards divert a portion of their discretionary millage to charter schools and specifying the methodology for doing so, the Charter School Millage Provisions unconstitutionally preclude the Board from exercising its authority under Article IX, § 4(b) to control and supervise the use of locally generated funds to support the public schools within the District.

**SECOND CAUSE OF ACTION**

**(Violation of Article VII, § 9(a) of the Florida Constitution)**

33. The allegations in Paragraphs 1-29 are re-alleged and incorporated herein by reference.

34. Article VII, § 9(a) of the Florida Constitution provides, in relevant part, that: “Counties, school districts, and municipalities shall ... be authorized by law to levy ad valorem taxes and ... for their respective purposes...”

35. By diverting a portion of school districts’ ad valorem taxes to a purpose mandated by the Legislature, the Charter School Millage Provisions place an unconstitutional constraint on the Board’s authority to levy ad valorem tax revenue for its purposes.

**THIRD CAUSE OF ACTION**

**(Violation of Article VII, § 1(a) of the Florida Constitution)**

36. The allegations in Paragraphs 1-29 are re-alleged and incorporated herein by reference.

37. Article VII, § 1(a) of the Florida Constitution provides, in relevant part, that “[n]o state ad valorem taxes shall be levied upon real estate or tangible personal property.”

38. The Charter School Millage Provisions constitute a state mandate directing the use of locally generated ad valorem tax revenues. As such, these provisions are in effect an ad valorem tax levied by the state in violation of § 1(a) of article VII of the Constitution.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully request that this Court:

- (1) Declare the provisions of § 1013.62(1) and (3) and § 1011.71(2), Fla. Stat., which require districts to distribute to charter schools a portion of their discretionary capital outlay ad valorem tax revenues unconstitutional under (a) Article IX, § 4(b) of the Florida

Constitution; (b) Article VII, § 9(a) of the Florida Constitution; and (c) Article VII, § 1(a) of the Florida Constitution.

(2) Enjoin defendants, and all persons acting under their direction or acting in concert with them, from taking any measures to implement the requirement under § 1013.62(1) and

(3) and § 1011.71(2), Fla. Stat., that districts distribute to charter schools a portion of their discretionary capital outlay ad valorem tax revenues.

(3) Award to Plaintiff the attorneys' fees, expenses, and costs that are incurred in prosecuting this lawsuit; and

(4) Order such other and further relief as this Court may deem appropriate.

Dated: September 28, 2017

Respectfully submitted,

**BOIES SCHILLER FLEXNER LLP**

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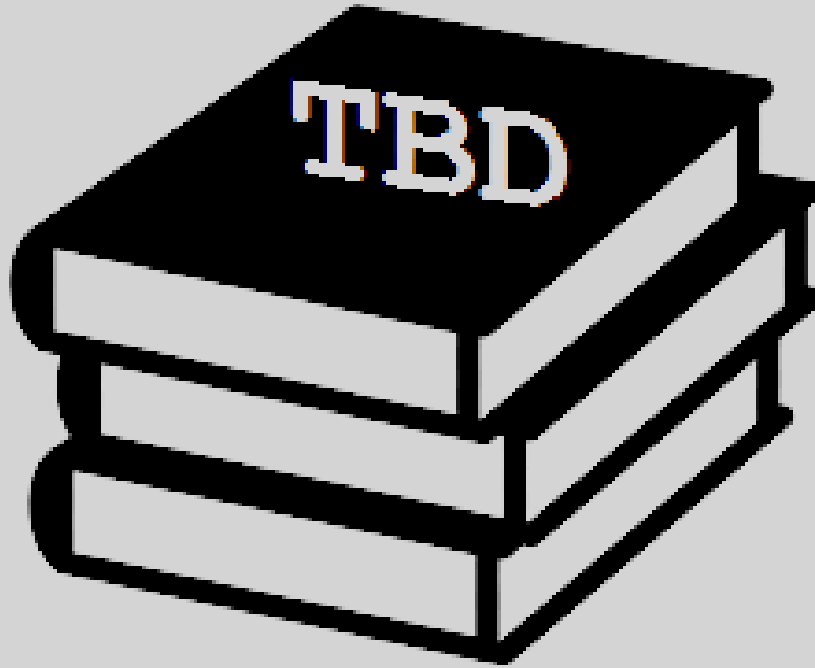
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