

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.

**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.

Petitioners¹ 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.

¹ 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.² 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."³

After being referred by the Education Committee to the Appropriations Committee on March 14, 2017, the bill became formally known as HB 7069.⁴ The bill passed through the Appropriations Committee with only minor amendments.⁵

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

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

⁴ 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.").

⁵ 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.⁶ The bill was referred to an Appropriations Conference Committee on April 27.⁷

On Friday, May 5, Amendment 648555 was proposed by the Appropriations Conference Committee.⁸ 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.⁹ 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.¹⁰

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.¹¹ One

⁶ See Fla. S. Jour. 403-04 (Reg. Sess. 2017).

⁷ 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>.

⁸ Fla. S. Jour. 1314-16 (Reg. Sess. 2017).

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

¹⁰ 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 (hereinafter “HB 7069”).

¹¹ Fla. S. Jour. 1361 (Reg. Sess. 2017).

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

On June 15, 2017, Governor Scott signed HB 7069 into law.¹⁴ The bill was filed in the Office of the Secretary of State that same day and HB 7069 went into effect on July 1, 2017.¹⁵

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;

¹² *Id.*

¹³ *Id.*

¹⁴ 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.

¹⁵ *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.¹⁶

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

However, even this list is not exhaustive.¹⁷

¹⁶ See CS/HB 7069 at 1-20.

¹⁷ 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.”¹⁸ 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.”¹⁹ 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.”²⁰

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

¹⁸ *Id.* at 75-77.

¹⁹ *Id.* at 28.

²⁰ *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.²¹ The bill also amends the membership of the “Children’s Services Council” to include the superintendent’s designee.²²

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.²³

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.”²⁴ *See Fla. S. Jour.* 1314-16 (Reg. Sess. 2017) (listing the topics

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

²² *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).

²³ HB 7069 at 273-274.

²⁴ *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 7069.²⁵

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).

²⁵ 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.²⁶

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

²⁶ 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.²⁷ 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

²⁷ 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.²⁸

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

²⁸ 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."²⁹ 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

²⁹ *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*.³⁰ 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.³¹ Less than three days later, on Monday, May 8, 2017, the last day of the regular legislative session, a vote on the

³⁰ See Exhibit 1.

³¹ 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.³² Even so, the amended bill passed by only two votes and was sent to the Governor for signature.³³

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

³² 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.*

³³ 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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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:

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



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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

1 A bill to be entitled
2 An act relating to the best and brightest teachers and
3 principals; amending s. 1012.731, F.S.; revising the
4 eligibility criteria for the Florida Best and
5 Brightest Teacher Scholarship Program; requiring
6 certain classroom teachers to submit an official
7 transcript with a specified honor to demonstrate
8 eligibility; providing for retention of a classroom
9 teacher's scholarship eligibility under certain
10 circumstances; requiring each school district to
11 annually submit certain information to the Department
12 of Education; creating s. 1012.732, F.S.; creating the
13 Florida Best and Brightest Principal Scholarship
14 Program; providing legislative intent; providing for
15 funding of the program; providing for certain school
16 principals to receive a scholarship under the program;
17 providing eligibility requirements; requiring the
18 department to annually identify eligible school
19 principals and disburse funds to school districts by a
20 specified date; requiring each eligible school
21 principal to receive a scholarship; requiring
22 scholarships to be prorated under certain
23 circumstances; requiring school districts to annually
24 award scholarships to eligible school principals by a
25 specified date; requiring school districts to provide

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2017

best and brightest principals with specified additional authority and responsibilities; defining the term "school district"; providing an effective date.

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

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

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

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

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

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

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2017

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

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2017

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

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

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

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2017

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>	

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

Amendment

Remove lines 40-42 and insert:

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

EXHIBIT 3

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2017)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ☐ (Y/N)

ADOPTED AS AMENDED ☐ (Y/N)

ADOPTED W/O OBJECTION ☐ (Y/N)

FAILED TO ADOPT ☐ (Y/N)

WITHDRAWN ☐ (Y/N)

OTHER ☐

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

Amendment (with title amendment)

Remove lines 56-61 and insert:

qualifying assessment ~~SAT or ACT~~ score demonstrating that the
classroom teacher scored at or above the 77th ~~80th~~ percentile
based on the National Percentile Ranks in effect when the
teacher took the assessment. Once a classroom teacher is deemed
eligible by the

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

Remove lines 5-8 and insert:

Brightest Teacher Program; providing for retention of a
classroom

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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

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

ENROLLED

CS/HB 7069, Engrossed 1

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

ENROLLED

CS/HB 7069, Engrossed 1

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

ENROLLED

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

ENROLLED

CS/HB 7069, Engrossed 1

2017 Legislature

appeals process for a denied charter school application; requiring the use of the standard charter contract by specified entities; revising eligibility requirements for charter school students enrolled in blended learning courses; revising the criteria for certain charter schools that must follow corrective actions; authorizing a charter school to be exempt from provisions relating to controlled open enrollment under certain circumstances; clarifying provisions relating to charter schools and tort liability; revising the purpose of charter school cooperatives; authorizing the use of unrestricted assets for specified charter schools; requiring such funds to be used in accordance with specified provisions; prohibiting the adoption or imposition of specified requirements by specified entities for charter schools; revising the public information disclosures of charter schools; authorizing certain entities to share facilities with charter schools without additional approval; providing charter schools are eligible for capital outlay funds pursuant to specified provisions; revising the administrative fees that a district may withhold from charter schools; requiring charter schools to complete and submit an 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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provision requiring certain students to take the Algebra II end-of-course assessment; revising the options that a district school board or charter school governing board may offer for a student to satisfy certain online course requirements; removing a requirement that a student participating in interscholastic sports pass a competency test on personal fitness to satisfy the physical education credit requirement for high school graduation; amending s. 1003.4285, F.S.; deleting a provision requiring students to pass the Algebra II end-of-course assessment in order to earn a Scholar designation; amending s. 1008.22, F.S.; deleting a provision requiring the Algebra II end-of-course assessment to be administered; revising requirements relating to the administration and format of assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in specified grades; revising provisions relating to reporting requirements for school district-required local assessments; providing reporting requirements for certain student assessment results; requiring the Department of Education to publish certain assessments on its 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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revising what constitutes an educational emergency and establishing duties of district school boards relating to such emergency; prohibiting a district school board from awarding specified contracts based on certain contingency or conditions; providing applicability; providing a directive to the Division of Law Revision and Information; creating s. 1001.4205, F.S.; authorizing an individual district school board member to visit any district school in his or her school district; authorizing an individual charter school governing board member to visit any charter school governed by the charter school's governing board; providing requirements and restrictions; amending s. 1008.33, F.S.; providing requirements the intervention and support strategies must meet; providing for tailored intervention and support services for specified schools; revising the required timeline for the implementation of a district-managed turnaround plan; providing turnaround options available to school districts meeting specified criteria; amending s. 1008.345, F.S.; revising reporting requirements of the Commissioner of Education relating to the state system of school improvement and education accountability; revising the criteria a school must meet to have a community assessment team; revising the duties of a

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community assessment team; creating s. 1002.333, F.S., relating to persistently low-performing schools; providing definitions; providing eligibility criteria for hope operators; providing for the designation and redesignation of a hope operator; authorizing hope operators to establish schools of hope in specified areas; providing the process for the establishment of a school of hope; providing the requirements for a performance-based agreement; authorizing a school of hope to be designated as a local education agency; providing that a sponsor is not liable for specified damages; providing that a school of hope may be a private or public employer; authorizing a school of hope to participate in the Florida Retirement System; authorizing a hope operator to employ certain staff; providing specific statutory exemptions for schools of hope; requiring a school of hope to report its students for specified purposes; requiring a school district to include specified students in the district's report of student enrollment; requiring certain schools to comply with specified reporting guidelines; requiring a school of hope to provide the school district with a financial statement summary sheet that meets certain requirements; providing requirements for facilities used by schools of hope;

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requiring districts to annually provide a list of
specified property to the department; requiring
certain school districts that do not enter into
specified agreements within a certain timeframe to
reduce specified fees; providing for attorney fees
under certain circumstances; providing that schools of
hope shall be funded through the Florida Education
Finance Program; creating the Schools of Hope Program;
providing that schools of hope are eligible for funds
through the program; providing guidelines for the use
of such funds; providing that certain traditional
public schools are eligible for such funds; providing
duties of the State Board of Education; providing a
mechanism to address school district noncompliance;
providing authority and obligations of the State Board
of Education; providing a mechanism for the resolution
of disputes; providing for rulemaking; creating s.
1001.291, F.S.; establishing the Schools of Hope
Revolving Loan Program; providing criteria for
administration of the program; amending s. 1011.69,
F.S.; requiring school districts to provide specified
funds directly to schools eligible to receive such
funds; providing a definition; authorizing school
districts to withhold certain funds for specified
purposes; authorizing eligible schools to use funds to

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participate in certain services; amending s. 1012.731, F.S.; providing the scholarship amount for the Florida Best and Brightest Teacher Scholarship Program; revising the future eligibility criteria for the program; providing additional scholarships to certain teachers for specified school years; providing for retention of a classroom teacher's scholarship eligibility under certain circumstances; requiring each school district to annually submit certain information to the Department of Education; deleting the scheduled expiration of the section; creating s. 1012.732, F.S.; creating the Florida Best and Brightest Principal Scholarship Program; providing legislative intent; providing for funding of the program; providing for certain school principals to receive a scholarship under the program; providing eligibility requirements; providing scholarship amounts; requiring the department to annually identify eligible school principals and disburse funds to school districts by a specified date; requiring each eligible school principal to receive a scholarship; requiring school districts to annually award scholarships to eligible school principals by a specified date; requiring school districts to provide 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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Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

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

1002.71 Funding; financial and attendance reporting.—

(3)

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

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

1003.52 Educational services in Department of Juvenile Justice programs.—

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

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~~the Department of Education.~~

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

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

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

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

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

3. Categorical funds for supplemental academic instruction shall be provided annually in the Florida Education Finance Program as specified in the General Appropriations Act. These funds shall be provided as a supplement to the funds appropriated for the basic funding level and shall be included in the total funds of each district. The allocation shall consist of a base amount that has a workload adjustment based on 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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sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

5.4. The Florida State University School, as a lab school, is authorized 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.

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

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

1. ~~A For the purpose of this section, the term "small, isolated high school" means Any high school that which is 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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of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university, which is located and ~~chartered in Florida,~~ is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education ~~the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools,~~ and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students

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

(1) *Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate 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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number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

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

(m) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each 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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designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

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

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

(n) *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*—A value of 0.16 full-time equivalent student 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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CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a 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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property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (16) (b) ~~(15) (b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

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

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

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

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

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

(7) DETERMINATION OF SPARSITY SUPPLEMENT.—

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

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number of permanent senior high school centers in the district,
not in excess of four.

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12. ~~For the 2014-2015 fiscal year,~~
~~in~~ Each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment, ~~priority~~ shall give priority ~~be given~~ to providing an additional hour per day of intensive reading instruction beyond the normal school day for each day of the entire school year for the students in each school. The designation of the 300 lowest-performing elementary schools must be based on the state reading assessment for the prior year. Students enrolled in these schools who have level 5 assessment scores may participate in the additional hour of instruction on an optional basis. Exceptional student education centers may ~~shall~~ not be included in the 300 schools. The intensive reading instruction delivered in this additional hour and for other students shall include: research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic 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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may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. The department shall monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature.

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

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for 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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~~competitive process to distribute funds for the Florida digital classrooms allocation to the schools within the school district.~~

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

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

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

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

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

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

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

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

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

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

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

1. The student has a parent who is on active duty in the uniformed services or is an accredited foreign government official and military officer. Students with disabilities shall 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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Department of Education and remit the fee required pursuant to s. 1012.59 and rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement is limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement.

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

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

(b) The department shall issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from ~~if the applicant meets the requirements and if requested by an employer employing school district or an employing private school~~ with a professional education competence demonstration program pursuant to paragraphs (6)(f) and (8)(b). The ~~a~~ temporary certificate must cover ~~covering~~ the 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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her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances or for 1 year if the temporary certificateholder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner of Education pursuant to s. 1012.34(8). The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

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

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

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

1. A minimum period of initial preparation before assuming duties as the teacher of record.
2. An option for collaboration with ~~between school districts and~~ other supporting agencies or educational entities for implementation.
3. A teacher mentorship and induction ~~An experienced peer-mentor~~ component.
 - a. Each individual selected by the district as a ~~peer~~ mentor:
 - I. Must hold a valid professional certificate issued pursuant to this section; and
 - II. Must have earned at least 3 years of teaching experience in prekindergarten through grade 12; and
 - III. Must have completed specialized training in clinical 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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certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 1004.04(5)(b); participation in mentorship and induction activities, including as a mentor, pursuant to s. 1012.56(8)(a); and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy, including explicit, systematic, and sequential approaches to reading instruction, developing phonemic awareness, and implementing multisensory intervention strategies, and computational skills acquisition, exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be applied toward any 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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certificates and requirements for demonstrating competency in the reading instruction professional development topics listed in s. 1012.98(4)(b)11. At the conclusion of each review, the department shall recommend to the state board changes to the subject coverage or endorsement requirements based upon any identified instruction or intervention strategies proven to improve student reading performance. This paragraph does not authorize the state board to establish any new certification subject coverage.

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

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

1012.98 School Community Professional Development Act.—

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Interdisciplinary planning, collaboration, and instruction.

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

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

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

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

11. 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. The training must help teachers integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and sequential approach to reading instruction, including multisensory intervention strategies. Each district must provide all elementary grades instructional personnel access to training sufficient to meet the requirements of s. 1012.585(3)(f).

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

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

1002.33 Charter schools.—

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

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

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

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

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

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

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

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

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

2. In order to ensure fiscal responsibility, an
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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requirements in paragraph (a);

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

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

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

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

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated 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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procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant shall have 15 calendar days after notice of rejection in which to resubmit an appeal that meets the requirements set forth in State Board of Education rule. An appeal submitted subsequent to such rejection is considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application.

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

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

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

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~~requirements in paragraph (a);~~

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

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

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

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

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

~~(h) The terms and conditions for the operation of a 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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~~application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.~~

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any 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. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals ~~The major issues involving the operation of a charter school shall be considered in advance and written into the charter.~~ The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

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

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

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the ages and grades to be included.

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

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

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual 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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management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

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

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

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

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

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

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

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

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

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

(9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C" ~~of "D," a grade of "F" following two consecutive grades of "D," or a second nonconsecutive grade of "F" within a 3-year period.~~

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3. 4.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher ~~by at least one letter grade~~. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4. 5.

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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majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) ~~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. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

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

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

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

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

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

(10) ELIGIBLE STUDENTS.—

(a) A charter school may be exempt from the requirements of s. 1002.31 if the school is ~~shall be~~ open to any student covered in an interdistrict agreement and any student ~~or~~ residing in the school district in which the charter school is located. ~~+~~ However, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located. Any eligible student shall be allowed interdistrict 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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reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are 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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church, Florida College System institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

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

(20) SERVICES.—

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

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

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

a. Up to 5 percent for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school 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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agency requirements and the charter school system meets all of the following:

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

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

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

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

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

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

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

(28) RULEMAKING.—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to 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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2. The student's head of household is not the student's custodial parent.

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

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

5. 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.

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

1002.331 High-performing charter schools.—

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

2. If the sponsor fails to act on the application within 90 ~~60~~ days after receipt, the application is deemed approved and the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the 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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1007.35 Florida Partnership for Minority and
Underrepresented Student Achievement.—

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

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

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

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

(6) The partnership shall:

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

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

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

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or the preliminary ACT ~~Aspire~~ testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of 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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grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign statewide, standardized end-of-course assessment scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for one fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

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

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

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

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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Statutes, is amended to read:

1011.71 District school tax.—

(2) 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,~~ to fund:

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

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

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

(d) The purchase, lease-purchase, or lease of new and replacement equipment; computer and device hardware and operating system software, ~~including electronic hardware and other hardware devices~~ necessary for gaining access to or enhancing the use of electronic and digital instructional 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.~~ (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.~~ 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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determine each charter school's capital outlay allocation.

~~(d)(2)(a)~~ The department shall calculate the eligible charter school funding allocations. Funds shall be allocated using full-time equivalent membership from the second and third enrollment surveys and free and reduced-price school lunch data. The department shall recalculate the allocations periodically based on the receipt of revised information, on a schedule established by the Commissioner of Education.

~~(e)(b)~~ The department shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's recalculated allocation.

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

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by 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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issues shall be agreed to in the charter contract prior to the expenditure of funds.

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

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

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

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

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

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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initial annual allocation.

(6)

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

a. \$17,952 for an elementary school,

b. \$19,386 for a middle school, or

c. \$25,181 for a high school,

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

2. School districts shall maintain accurate documentation related to the costs of all new construction of educational plant space reported to the Department of Education pursuant to paragraph (d). The Auditor General shall review the 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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significant financial management, school facilities construction, or related experience.

(II) One appointee of the office of the state attorney with jurisdiction over the district.

(III) One appointee of the Chief Financial Officer who is a licensed certified public accountant.

b. An appointee to the oversight committee may not be employed by the school district; be a relative, as defined in s. 1002.33(24)(a)2., of any school district employee; or be an elected official. Each appointee must sign an affidavit attesting to these conditions and affirming that no conflict of interest exists in his or her oversight role.

Section 33. Paragraphs (b) and (f) of subsection (3) and subsection (4) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

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

(b) *Four credits in mathematics.*—A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment constitutes 30 percent of the student's final course grade. A student must pass the statewide, 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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half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan.

(4) ONLINE COURSE REQUIREMENT.—At least one course within the 24 credits required under this section must be completed through online learning.

(a) An online course taken in grade 6, grade 7, or grade 8 fulfills the requirements of this subsection. The requirement is met through an online course offered by the Florida Virtual School, a virtual education provider approved by the State Board of Education, a high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets the requirement.

(b) A district school board or a charter school governing board, as applicable, may allow a student ~~offer students the 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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AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.

4. Foreign language.—Earn two credits in the same foreign language.

5. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

Section 35. Paragraphs (c) through (f) and paragraph (g) of subsection (7) of section 1008.22, Florida Statutes, are redesignated as paragraphs (d) through (g) and paragraph (i), respectively, subsections (8) through (12) are renumbered as subsections (9) through (13), respectively, paragraphs (a), (b), and (d) of subsection (3), paragraphs (a) and (b) and present paragraph (f) of subsection (7), and paragraph (e) of present subsection (11) are amended, new paragraphs (c) and (i) are added to subsection (7), and a new subsection (8) is added to that section, to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The 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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grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. ELA assessments shall be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9) ~~(8)~~.

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

1. EOC assessments for Algebra I, Geometry, ~~Algebra II~~, Biology I, United States History, and Civics shall be administered to students enrolled in such courses as specified in the course code directory.

2. Students enrolled in a course, as specified in the course code directory, with an associated statewide, standardized EOC assessment must take the EOC assessment for

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such course and may not take the corresponding subject or grade-level statewide, standardized assessment pursuant to paragraph (a). Sections 1003.4156 and 1003.4282 govern the use of statewide, standardized EOC assessment results for students.

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

4. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved by the state board, student performance on such

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assessments constitutes 30 percent of a student's final course grade.

5. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (c).

(d) *Implementation schedule.*—

1. The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: ~~the grade 3 ELA assessment, beginning in the 2017-2018 school year;~~ the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year. Notwithstanding the requirements of this subparagraph, statewide, standardized ELA and mathematics 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 ~~8~~, 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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in accordance with the schedule established by the commissioner.

(b) By January ~~August~~ of each year, beginning in 2018 ~~2016~~, the commissioner shall publish on the department's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules under paragraph (d) ~~(e)~~:

1. Whether the assessment is a district-required assessment or a state-required assessment.

2. The specific date or dates that each assessment will be administered.

3. The time allotted to administer each assessment.

4. Whether the assessment is a computer-based assessment or a paper-based assessment.

5. The grade level or subject area associated with the assessment.

6. The date that the assessment results are expected to be available to teachers and parents.

7. The type of assessment, the purpose of the assessment, and the use of the assessment results.

8. A glossary of assessment terminology.

9. Estimates of average time for administering state-

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required and district-required assessments, by grade level.

(c) Beginning with the 2018-2019 school year, the spring administration of the statewide, standardized assessments in paragraphs (3)(a) and (b), excluding assessment retakes, must be in accordance with the following schedule:

1. The grade 3 statewide, standardized ELA assessment and the writing portion of the statewide, standardized ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not to exceed 2 weeks.

2. With the exception of assessments identified in subparagraph 1., any statewide, standardized assessment that is delivered in a paper-based format must be administered no earlier than May 1 each year within an assessment window not to exceed 2 weeks.

3. With the exception of assessments identified in subparagraphs 1. and 2., any statewide, standardized assessment must be administered within a 4-week assessment window that opens no earlier than May 1 each year.

Each school district shall administer the assessments identified under subparagraphs 2. and 3. no earlier than 4 weeks before the last day of school for the district.

(g)~~(f)~~ A school district must provide a student's performance results on district-required local assessments to

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the student's teachers within 1 week and to the student's parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.

(h) The results of statewide, standardized ELA and mathematics assessments, including assessment retakes, shall be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student's current teacher of record and teacher of record for the subsequent school year; however, in any case, the district shall provide the results pursuant to this paragraph within 1 week after receiving the results from the department. A report of student assessment results must, at a minimum, contain:

1. A clear explanation of the student's performance on the applicable statewide, standardized assessments.

2. Information identifying the student's areas of strength and areas in need of improvement.

3. Specific actions that may be taken, and the available resources that may be used, by the student's parent to assist his or her child based on the student's areas of strength and areas in need of improvement.

4. Longitudinal information, if available, on the 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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1012.01(2)(a), excluding substitute teachers, and all other instructional personnel, as defined in s. 1012.01(2)(b)-(d).

~~2. An analysis that compares performance evaluation results calculated by each school district to indicators of performance calculated by the department using the standards for performance levels adopted by the state board under subsection (8).~~

~~3. Data reported under s. 1012.341.~~

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

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

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the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—At least one-third of a performance evaluation must be based upon data and indicators of student performance, as determined by each school district ~~in accordance with subsection (7)~~. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.

2. Instructional practice.—For instructional personnel, at least one-third of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student 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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(7) MEASUREMENT OF STUDENT PERFORMANCE.—

(a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. A third party, independent of the assessment developer, must analyze student learning growth data calculated using the 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 formula must take into consideration each student's prior academic performance. The formula must not set different expectations for student learning growth based upon a student's gender, race, ethnicity, or socioeconomic status. In the development of the formula, the commissioner shall consider other factors such as a student's attendance record, disability status, or status as an English language learner. The commissioner may select additional formulas to measure student performance as appropriate for the remainder of the statewide, standardized assessments included under s. 1008.22 and continue to select formulas as new assessments are implemented in the state system. ~~After the commissioner approves the formula to measure individual student learning growth, the State Board of 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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for determining compliance with this subparagraph.

~~2. A school that includes any of grades 6, 7, or 8 shall include annually in its school improvement plan information and data on the school's early warning system required under paragraph (b), including a list of the early warning indicators used in the system, the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level that exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system. In addition, a school that includes any of grades 6, 7, or 8 shall describe in its school improvement plan the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system pursuant to s. 1012.98(4)(b)9.~~

(b) *Early warning system.*—

1. A school that serves any students in kindergarten through grade ~~includes any of grades 6, 7, or 8~~ shall implement an early warning system to identify students in such grades ~~6, 7, and 8~~ who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

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

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

c. Course failure in English Language Arts or mathematics during any grading period.

d. A Level 1 score on the statewide, standardized assessments in English Language Arts or mathematics or, for students in kindergarten through grade 3, a substantial reading deficiency under s. 1008.25(5)(a).

A school district may identify additional early warning indicators for use in a school's early warning system. The system must include data on the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level who exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

2. A school-based team responsible for implementing the requirements of this paragraph shall monitor the data from the early warning system. The team may include a school psychologist. When a student exhibits two or more early warning indicators, the team, in consultation with the student's parent, ~~shall school's child study team under s. 1003.02 or a school-based team formed for the purpose of implementing the requirements of this paragraph shall convene to determine~~

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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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employment agreement, or renewal or renegotiation of an existing contract or employment agreement, with an officer, agent, employee, or contractor which contains a provision for severance pay, the contract or employment agreement must include the provisions of s. 215.425.

(b) 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. This paragraph applies only to a collective bargaining agreement entered into or renewed by a district school board on or after the effective date of this act.

Section 39. Section 1001.4205, Florida Statutes, is created to read:

1001.4205 Visitation of schools by an individual school board or charter school governing board member.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual charter school governing board member may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board. The board member must sign in and sign out at the school's main office and wear his or her board identification badge at all times while present on school

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premises. The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any other board member, may not require the visiting board member to provide notice before visiting the school. The school may offer, but may not require, an escort to accompany a visiting board member during the visit. Another board member or a district employee, including, but not limited to, the superintendent, the school principal, or his or her designee, may not limit the duration or scope of the visit or direct a visiting board member to leave the premises. A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to a board member under this section.

Section 40. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.

Section 41. Subsections (3), (4), and (5) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school 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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determines that the school is likely to improve to a grade of "C" or higher ~~a letter grade~~ if additional time is provided to implement the existing turnaround option.

~~(5) A school that earns a grade of "D" for 3 consecutive years must implement the district-managed turnaround option pursuant to subparagraph (4)(b)1. The school district must submit an implementation plan to the department for approval by the state board.~~

Section 42. Subsection (5) and paragraph (d) of subsection (6) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(5) The commissioner shall annually report to the State Board of Education and the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall include:

(a) For each school district:

1. The percentage of students, by school and grade level, demonstrating learning growth in English Language Arts and mathematics.

2. The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English Language Arts and mathematics.

3. The information contained in the school district's 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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operates a school established pursuant to s. 1008.33(4)(b)3.,
shall be designated as a hope operator if it meets the criteria
of paragraph (a).

(3) DESIGNATION OF HOPE OPERATOR.—Initial status as a hope
operator is valid for 5 years from the opening of a school of
hope. If a hope operator seeks the renewal of its status, such
renewal shall solely be based upon the academic and financial
performance of all schools established by the operator in the
state since its initial designation.

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator
seeking to open a school of hope must submit a notice of intent
to the school district in which a persistently low-performing
school has been identified by the State Board of Education
pursuant to subsection (10).

(a) The notice of intent must include:

1. An academic focus and plan.
2. A financial plan.
3. Goals and objectives for increasing student achievement
for the students from low-income families.
4. A completed or planned community outreach plan.
5. The organizational history of success in working with
students with similar demographics.
6. The grade levels to be served and enrollment
projections.
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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parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

(b) Any facility, or portion thereof, used to house a school of hope shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to schools of hope within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

(c) School of hope facilities are exempt from assessments 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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administrative fees withheld in violation of this subsection may recover attorney fees and costs to enforce the requirements of this subsection. A school district subject to the requirements of this section shall file a monthly report detailing the reduction in the amount of administrative fees withheld.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope are eligible to receive funds from the Schools of Hope Program.

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(a) A school of hope is eligible to receive funds from the Schools of Hope Program for the following expenditures:

1. Preparing teachers, school leaders, and specialized instructional support personnel, including costs associated with:

a. Providing professional development.

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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render a recommended decision for resolution to the State Board of Education. The recommendation may not alter in any way the provisions of the performance-based agreement under subsection (5). The special magistrate may administer oaths and issue subpoenas on behalf of the parties to the dispute or on his or her own behalf. Within 15 calendar days after the close of the final hearing, the special magistrate shall transmit a recommended decision to the State Board of Education and to the representatives of both parties by registered mail, return receipt requested. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The decision by the State Board of Education is a final agency action that may be appealed to the District Court of Appeal, First District in accordance with s. 120.68. A charter school may recover attorney fees and costs if the State Board of Education determines that the school district unlawfully implemented or otherwise impeded implementation of the performance-based agreement pursuant to this paragraph.

(d) Provide students in persistently low-performing schools with a public school that meets accountability standards. The State Board of Education may enter into a performance-based agreement with a hope operator when a school 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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no later than November 1, an official record of his or her qualifying assessment ~~SAT or ACT score~~ and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable ~~the classroom teacher scored at or above the 80th percentile based on the National Percentile Ranks in effect when the teacher took the assessment.~~ Once a classroom teacher is deemed eligible by the school district, including teachers deemed eligible in the 2015-2016 fiscal year, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34 or is evaluated as highly effective based on a commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.

(c) Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:

1. Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of \$1200, including a classroom teacher who received an award pursuant to paragraph (a).

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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~~appropriation authorized in the General Appropriations Act, the
department shall prorate the per-teacher scholarship amount.~~

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

Section 47. Section 1012.732, Florida Statutes, is created
to read:

1012.732 The Florida Best and Brightest Principal
Scholarship Program.—

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

(2) There is created the Florida Best and Brightest
Principal Scholarship Program to be administered by the
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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provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

(i) Fees for specialized summer education programs.

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

(k) Transition services provided by job coaches.

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

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

(n) Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.

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

A provider of any services receiving payments pursuant to this

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subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

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

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

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

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

c. Three consecutive fiscal years in which an account has 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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pursuant to paragraph (3)(b). A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years. However, once an eligible expenditure is made pursuant to paragraph (11)(f), the student is eligible for a scholarship based on available funds.

(13) FUNDING AND PAYMENT.—

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

2. In addition, an amount equivalent to a share of the guaranteed allocation for exceptional students in the Florida Education Finance Program shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraph 3., the calculation shall be based on the student's grade, the matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and

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the 2000-2001 district cost differential for the sending district. The calculated amount must also include an amount equivalent to the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

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

Section 49. Subsection (6) is added to section 1003.455, Florida Statutes, to read:

1003.455 Physical education; assessment.—

(6) In addition to the requirements in subsection (3), each district school board shall provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 so that there are at least 20 consecutive minutes of free-play recess per day.

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This requirement does not apply to charter schools.

Section 50. Paragraph (a) of subsection (8) and subsection (11) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(8)(a) The Florida Virtual School may provide full-time and part-time instruction for students in kindergarten through grade 12. ~~To receive part-time instruction in kindergarten through grade 5, a student must meet at least one of the eligibility criteria in s. 1002.455(2).~~

~~(11) The Auditor General shall conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global. The scope of the audit shall include, but not be limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and standards; and accountability. The final report on the audit shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.~~

Section 51. Section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual 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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~~instruction program, virtual charter school, or the Florida Virtual School.~~

~~(3) The virtual instruction options for which this eligibility section applies include:~~

(1)(a) School district operated part-time or full-time kindergarten through grade 12 virtual instruction programs under s. 1002.45(1)(b) ~~for students enrolled in the school district.~~

(2)(b) Full-time virtual charter school instruction authorized under s. 1002.33 to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31.

(3)(c) Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498.

(4) Florida Virtual School instructional services authorized under s. 1002.37.

Section 52. Subsection (5) and paragraph (b) of subsection (6) of section 1002.45, Florida Statutes, are amended to read:
1002.45 Virtual instruction programs.—

(5) STUDENT ELIGIBILITY.—A student may enroll in a virtual instruction program provided by the school district or by a virtual charter school ~~operated in the district in which he or she resides if the student meets eligibility requirements for 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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religious holidays, in accordance with the provisions of s.
1003.21(2)(b)1 ~~1003.21(2)(b)~~.

(d) Absence for treatment of autism spectrum disorder.—A
parent of a public school student may request and be granted
permission for absence of the student from school for an
appointment scheduled to receive a therapy service provided by a
licensed health care practitioner or behavior analyst certified
pursuant to s. 393.17 for the treatment of autism spectrum
disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

(3) HEALTH ISSUES.—

(m) Sun-protective measures in school.—A student may
possess and use a topical sunscreen product while on school
property or at a school-sponsored event or activity without a
physician's note or prescription if the product is regulated by
the United States Food and Drug Administration for over-the-
counter use to limit ultraviolet light-induced skin damage.

(11) STUDENTS WITH READING DEFICIENCIES.—The parent of any
K-3 student who exhibits a substantial reading deficiency shall
be immediately notified of the student's deficiency pursuant to
s. 1008.25(5) and ~~with a description and explanation, in terms~~
~~understandable to the parent, of the exact nature of the~~
~~student's difficulty in learning and lack of achievement in~~
~~reading,~~ shall be consulted in the development of a plan, as
described in s. 1008.25(4)(b); ~~and shall be informed that the~~
~~student will be given intensive reading instruction until the~~

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~~deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.~~

Section 54. Subsection (2) of section 1002.69, Florida Statutes, is amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates; state-approved prekindergarten enrollment screening; good cause exemption.—

(2) The statewide kindergarten screening shall provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1). Data from the screening, along with other available data, must be used to identify students in need of intervention and support pursuant to s. 1008.25(5).

Section 55. Subsection (3), paragraphs (a) and (c) of subsection (5), paragraph (b) of subsection (6), subsection (7), and paragraph (a) of subsection (8) of section 1008.25, Florida Statutes, are amended, paragraph (c) is added to subsection (4), to read:

1008.25 Public school student progression; student support; reporting requirements.—

(3) ALLOCATION OF RESOURCES.—District school boards shall allocate remedial and supplemental instruction resources to

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students in the following priority:

(a) Students in kindergarten through grade 3 who have a substantial deficiency ~~are deficient~~ in reading as determined in paragraph (5) (a) ~~by the end of grade 3~~.

(b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in subsection (2) ~~paragraph (2) (b)~~.

(4) ASSESSMENT AND SUPPORT.—

(c) A student who has a substantial reading deficiency as determined in paragraph (5) (a) must be covered by a federally required student plan, such as an individual education plan or an individualized progress monitoring plan, or both, as necessary.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading, ~~based upon screening, diagnostic, progress monitoring, or assessment data; locally determined or statewide assessments; conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations,~~ must be provided given intensive, explicit, systematic, and multisensory reading interventions ~~instruction~~ immediately following the identification of the reading deficiency. A school may not wait for a student to receive a 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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remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Strategies, including multisensory strategies, through a read-at-home plan the parent can ~~for parents to~~ use in helping his or her ~~their~~ child succeed in reading ~~proficiency~~.

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for a portfolio as provided in subparagraph (6)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school immediately begin collecting evidence for a portfolio.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

(6) ELIMINATION OF SOCIAL PROMOTION.—

(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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that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

~~7. Students who have received intensive remediation in reading or English Language Arts for 2 or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing 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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~~reading deficiency, including participation in the school district's summer reading camp as required under paragraph (a), and 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:~~

a. Integration of content-rich texts in science and social studies ~~content~~ within the 90-minute block.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. More frequent progress monitoring.

e. Tutoring or mentoring.

f. Transition classes containing 3rd and 4th grade students.

g. Extended school day, week, or year.

(b) Each school district shall:

1.2. ~~Provide~~ written notification to the parent of a student who is retained under ~~the provisions of~~ paragraph (5) (b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6) (b). The notification must comply with paragraph (5) (c) ~~the provisions of s. 1002.20(15)~~ and must include a description of proposed interventions and supports that will be provided to the child to

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remediate the identified areas of reading deficiency.

~~2.3-~~ Implement a policy for the midyear promotion of a student retained under ~~the provisions of~~ paragraph (5) (b) who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

~~3.4-~~ Provide students who are retained under ~~the provisions of~~ paragraph (5) (b), including students participating in the school district's summer reading camp under subparagraph (a)2., with a highly effective teacher as determined by the teacher's performance evaluation under s. 1012.34, and, beginning July 1, 2020, the teacher must also be certified or endorsed in reading.

~~4.5-~~ Establish at each school, when applicable, an

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intensive reading acceleration course ~~Class~~ for any student
retained in grade 3 who was previously retained in kindergarten,
grade 1, or grade 2 ~~students who subsequently score Level 1 on~~
~~the required statewide, standardized assessment identified in s.~~
~~1008.22. The focus of the Intensive Acceleration Class shall be~~
~~to increase a child's reading and English Language Arts skill~~
~~level at least two grade levels in 1 school year. The intensive~~
reading acceleration course must provide the following ~~Class~~
~~shall:~~

a. Uninterrupted reading instruction for the majority of
student contact time each day and opportunities to master the
grade 4 Next Generation Sunshine State Standards in other core
subject areas through content-rich texts.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. The use of explicit, systematic, and multisensory
reading interventions, including intensive language, phonics,
and vocabulary instruction, and use of a speech-language
therapist if necessary, that have proven results in accelerating
student reading achievement within the same school year.

e. A read-at-home plan.

~~a. 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 year because of~~
~~scoring Level 1.~~

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~~b. Have a reduced teacher-student ratio.~~

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

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

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

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, science, social studies, and mathematics. The district school board must report to the parent the student's results on each statewide, standardized assessment. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, response to intensive interventions provided under paragraph (5)(a), and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the 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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1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(2)

(b) Each district school board, in accordance with rules of the State Board of Education, shall adopt policies authorizing ~~a policy that authorizes~~ a parent to request and be granted permission for absence of a student from school for:

1. Religious instruction or religious holidays.

2. An appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to s. 393.17 for the treatment of autism spectrum disorder, including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

Section 59. Subsection (4) of section 1003.24, Florida Statutes, is amended to read:

1003.24 Parents responsible for attendance of children; attendance policy.—Each parent of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. The absence of a student from school is prima facie evidence of a violation of this section; however, criminal prosecution under this chapter may not be brought against a parent until the provisions of s. 1003.26 have been complied with. A parent of a student is not responsible for the student's nonattendance at school under any of the following conditions:

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(4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.— Attendance was impracticable or inadvisable on account of sickness or injury, as attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by and attested to in accordance with rules of the State Board of Education. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician, or if the absence is related to the student having autism spectrum disorder, receiving services from a licensed health care practitioner or behavior analyst certified pursuant to s. 393.17, in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.

Each district school board shall establish an attendance policy that includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

Section 60. Paragraph (c) of subsection (1) of section

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1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

~~(c) One course in career and education planning to be completed in 6th, 7th, or 8th grade. The course may be taught by any member of the instructional staff. At a minimum, the course must be Internet-based, easy to use, and customizable to each student and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student; must emphasize the importance of entrepreneurship skills; must emphasize technology or the application of technology in career fields; and, beginning in the 2014-2015 academic year, must include information from the Department of Economic Opportunity's economic security report as described in s. 445.07. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the diploma designation options provided under s. 1003.4285; high school assessment and college entrance test requirements; Florida Bright Futures Scholarship Program requirements; state university and Florida~~

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~~College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses and courses that lead to industry certification pursuant to s. 1003.492 or s. 1008.44.~~

~~Each school must inform parents about the course curriculum and activities. Each student shall complete a personal education plan that must be signed by the student and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.~~

Section 61. Subsection (3) of section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

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

1. "Agency" means the Department of Children and Families

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or its contracted lead agency, the Agency for Persons with Disabilities, and the Agency for Health Care Administration.

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

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

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

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

(c) Within 10 business days after receiving the 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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time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education or a graduate degree with a major in education, leading to initial certification.

Section 64. Paragraph (a) of subsection (2) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(2)(a) The corporation shall submit an annual budget projection to the Department of Education to be included in the annual legislative budget request. The projection must be based on the cost to award up to 350 scholarships to new scholars ~~in the junior year~~ and up to 350 renewal scholarships ~~to the 350 rising seniors.~~

Section 65. Committee on Early Grade Success.—The Committee on Early Grade Success, a committee as defined in s. 20.03, Florida Statutes, is created within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment and, except as otherwise provided in this section, shall operate consistent with s. 20.052, Florida Statutes.

(1) The committee's proposal must include legislative recommendations for the design and implementation of a 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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entity which defines the roles, responsibilities, terms, and conditions for community use of a school-owned facility for recreation or other purposes.

(3) PROMOTION OF COMMUNITY USE OF SHARED FACILITIES.—The department shall provide technical assistance to school districts, including, but not limited to, individualized assistance, the creation of a shared use technical assistance toolkit containing useful information for school districts, and the development of a publicly accessible online database of shared use resources and existing shared use agreements.

Section 67. Shared Use Task Force.—The Shared Use Task Force, a task force as defined in s. 20.03, Florida Statutes, is created within the Department of Education. The task force is created to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities.

(1) The task force is composed of seven members appointed by the department, as follows:

(a) Two representatives from school districts, including one representative from school districts 1 through 33 and one representative from school districts 34 through 67;

(b) One representative from a public health department;

(c) Two representatives from community-based programs in high-need communities; and

(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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possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing body shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

Section 69. Section 1003.481, Florida Statutes, is created to read:

1003.481 Early Childhood Music Education Incentive Pilot Program.—

(1) Beginning with the 2017-2018 school year, the Early Childhood Music Education Incentive Pilot Program is created within the Department of Education for a period of 3 school years. The purpose of the pilot program is to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

(2) In order for a school district to be eligible for participation in the pilot program, the superintendent must 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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Best and Brightest Teacher Scholarship Program pursuant to s. 1012.731, Florida Statutes, and the Best and Brightest Principal Scholarship Program pursuant to s. 1012.732, Florida Statutes, \$30 million shall be used to implement the Gardiner Scholarship Program pursuant to s. 1002.385, Florida Statutes, and \$10 million in recurring funds and \$5 million in nonrecurring funds shall be used to implement the provisions of this act relating to statewide student assessments. The remaining funds shall be used to implement the remaining provisions of this act, except for the implementation of the Early Childhood Music Education Incentive Pilot Program, as created by s. 1003.481, Florida Statutes, the Committee on Early Grade Success, as created by section 65 of this act, and the Shared Use Task Force, as created by section 67 of this act.

Section 72. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2017.

EXHIBIT 5

HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

BILL #:	CS/HB 7069	FINAL HOUSE FLOOR ACTION:			
SUBJECT/SHORT TITLE	Education	73	Y's	36	N's
SPONSOR(S):	Appropriations Committee; Education Committee; Diaz, M.; and others	GOVERNOR'S ACTION: Approved			
COMPANION BILLS:	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, HB 5101, HB 5105, CS/CS/HB 7101, CS/CS/HB 7057				

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;

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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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:

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Best and Brightest Teacher Scholarship Program

Present Situation

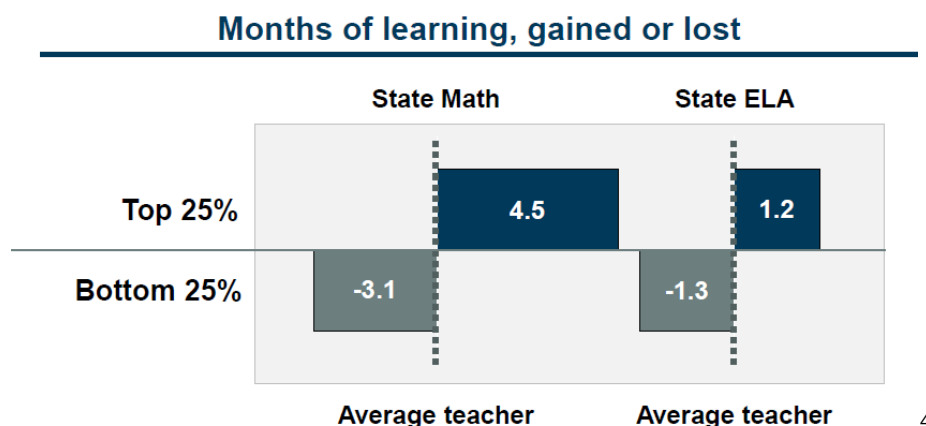
Internationally renowned public education systems, such as those in Finland and Singapore, recruit, develop, and retain the leading academic talent, most of who graduated near the top of their collegiate class. However, in the United States, only 23% of all teachers, and only 14% of teachers in high-poverty schools, come from the top third of college graduates.¹

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 effectiveness² and because "[a] very good

¹ 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>.

² 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.”³



4

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.⁵ The standards progressively increase average test scores for incoming teacher preparation program cohorts to the top half of a school's student body.⁶

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.⁷ In 2016, the Legislature codified the program in statute and appropriated \$49,000,000 to continue it for the 2016-2017 school year.⁸ Under the program, teachers who are rated “highly effective”⁹ 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 MGM'T 55, at 77 (2009).

³ 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.

⁴ 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)).

⁵ 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).

⁶ 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.

⁷ Specific Appropriation 99A, s. 2, ch. 2015-232, L.O.F.

⁸ Section 25, ch. 2016-62, L.O.F., creating s. 1012.731, F.S. The section of law will expire on July 1, 2017.

⁹ 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.¹⁰

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.¹¹

Best and Brightest Teacher Scholarship Awards		
	2015 Recipients	2016 Recipients
State Total	5,334	7,188
Award Amount	\$8,248/per award	\$6,816/per award ¹²

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.¹³

School Type	Best and Brightest 2016	
	# Schools	# Teachers
Elementary	901	2,014
Middle	363	1,249
High	439	3,192
Combination/Other	198	642
Not Reported	10	14
Total	1,911	7,111¹⁴

The statutory authority for the program is set to expire on July 1, 2017.¹⁵

¹⁰ Section 25, ch. 2016-62, L.O.F.

¹¹ Email, Florida Department of Education, Government Relations (Feb. 2, 2017).

¹² Email, Staff of the House of Representatives PreK-12 Appropriations Subcommittee (Dec. 21, 2016).

¹³ Email, Florida Department of Education, Government Relations (Feb. 2, 2017).

¹⁴ 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).

¹⁵ 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 71st 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 77th percentile on the SAT, ACT, LSAT, GRE, GMAT, or MCAT; **or**

Achieved a qualifying test score on a recognized assessment between the 71st and 76th 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.¹⁶ 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.”¹⁷ It follows that principals have a significant effect in improving education outcomes for students, including at schools with a high-poverty student population.¹⁸

¹⁶ See Claire Robertson-Kraft and Nate Bronstein, *Delaware Talent Co-operative: Final Report*, at 26 (2015) (on file with committee staff).

¹⁷ 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.

¹⁸ 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.

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.¹⁹

	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%
Total	7,111	100%	100%

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”²⁰ and authorizes district-determined salary supplements for teachers assigned to Title I schools and schools rated “D” or “F.”²¹ 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.²² 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.²³

When filling instructional positions²⁴ 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

¹⁹ 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).

²⁰ *See* s. 1012.2315(2)(a), F.S.

²¹ *See* s. 1012.22(1)(c)5.c., F.S.

²² *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.*

²³ Section 1001.54, F.S.

²⁴ 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,²⁵ 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.²⁶ 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.²⁷

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.²⁸

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.²⁹ 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.³⁰

The program exempts participating schools from the K-20 Education Code and state board rules implementing such provisions, with some exceptions.³¹ 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.³² The principal also has greater budgeting authority to allocate resources to help improve student achievement.³³

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 80th 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.

²⁵ As measured by the instructional personnel's performance evaluation. Section 1012.28(6), F.S.

²⁶ Section 1012.27(1)(b), F.S.

²⁷ Section 1012.28(6), F.S.

²⁸ 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=eml-eb-popweek+09302016 (last visited Feb. 15, 2017).

²⁹ Chapter 2016-223, L.O.F. *Codified at* ss. 1012.28(8), and 1011.6202, F.S.

³⁰ Section 1011.6202(2)(a)1. and 2., F.S.

³¹ *See* s. 1011.6202(3), F.S.

³² Section 1012.28(8)(a), F.S.

³³ 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.³⁴ 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.

³⁴ 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.³⁵ 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.³⁶

2015-2016 Schools in DA for 3 or More Years			
# of Years in DA	# Schools	Avg % Scoring Lvl 3+ ELA assessment	Avg % Scoring Lvl 3+ Math assessment
3	61	27.4%	33.5%
4	54	33.9%	33.3%
5+	61	24.7%	28.6%
Total	176	28.67%	31.8%

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.³⁷ 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.

³⁵ Florida Department of Education, *Turning Around Low Performing Schools: hearing before the House PreK-12 Quality Subcommittee* (Jan. 25, 2017).

³⁶ Email, Florida Department of Education, Office of Government Relations (Mar. 22, 2017).

³⁷ 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*,³⁸ 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.”³⁹ “This is especially true since the . . . evidence shows that an “F” school can be turned around without additional resources being provided.”⁴⁰

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 commissioner⁴¹ 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.

³⁸ Case No. 2014 CA 2786, (Fla. Jud. Cir.), *appeal filed*, Case No. 16-2862, (Fla. 1st DCA 2016).

³⁹ *Id.*

⁴⁰ *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.

⁴¹ 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
When must a school submit a turnaround plan? What turnaround options are available?	The year following a grade of “F” or third consecutive grade of “D.” • District-managed turnaround (chosen by 96% of schools); • Close and reassign the students; (chosen by 1.3% of schools) • Close and reopen as a charter school; • Contract with an outside entity; or • Hybrid Option (chosen by 2.7% of schools).	The year following a grade of “F” or two consecutive grades of “D.” • District-managed turnaround must be used as the first option and may not be used as any subsequent option; • Close and reassign the students; • Close and reopen as a charter school; • Contract with an outside entity, which may include a district-managed charter school.
How long can a school continue to fail?	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).

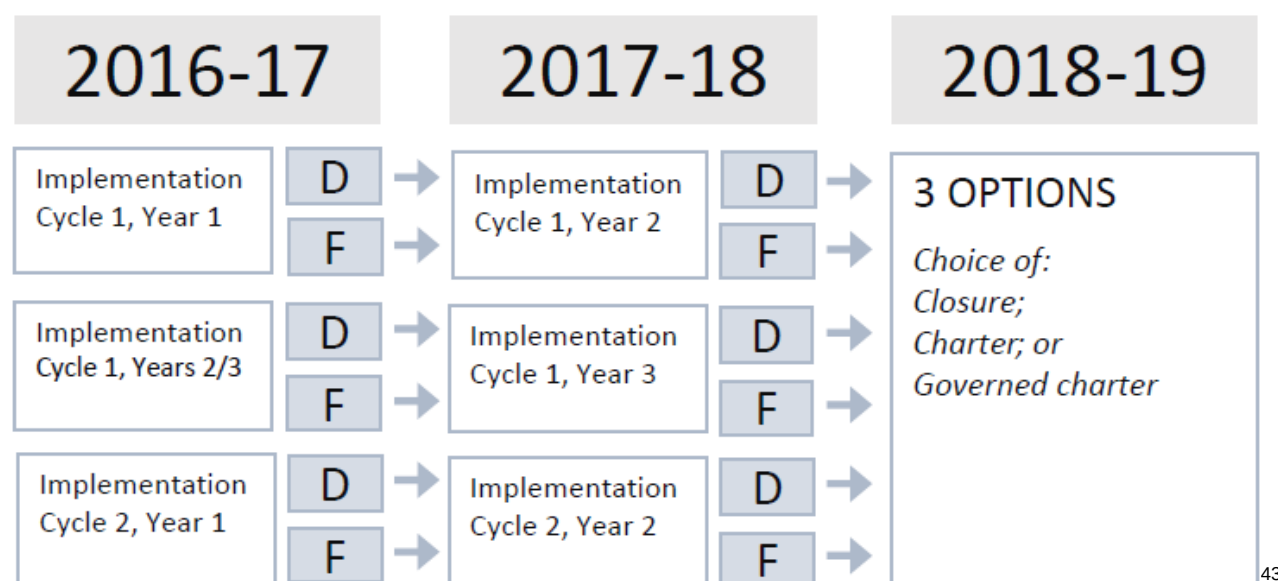
The following table indicates the number of schools that must implement a turnaround option in the 2017-2018 school year based on school grades data for the 2016-2017 school year.⁴²

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,

⁴² 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.



School Improvement Planning

Present Situation

With the exception of charter schools that earn a grade of “A”, “B” or “C,”⁴⁴ all Florida public schools must have a school improvement plan that is developed and implemented by the school’s advisory council.⁴⁵ If a school has a significant gap in achievement on statewide, standardized assessments⁴⁶ by

⁴³ See *id.*

⁴⁴ Section 1002.33(9)(n), F.S., requiring a school improvement plan for charter schools earning a grade of “D” or “F.”

⁴⁵ 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.

⁴⁶ 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;⁴⁷ has not significantly increased the percentage of students passing statewide, standardized assessments;⁴⁸ has not significantly increased the percentage of students demonstrating learning gains as determined using the school grade calculation⁴⁹ who passed statewide, standardized assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate,⁵⁰ the school's improvement plan must include strategies for improving those results.⁵¹

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.⁵² In such cases, the plan must be submitted through the Continuous Improvement Management System (CIMS).⁵³ The DOE reviews, approves, and also monitors implementation of the plan.⁵⁴ 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.⁵⁵

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.⁵⁶ 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.⁵⁷

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

⁴⁷ 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).

⁴⁸ A Level 3, Level 4, or Level 5 constitutes a passing score on statewide, standardized assessments. Section 1008.34(1)(a), F.S.

⁴⁹ See s. 1008.34(3)(b), F.S.

⁵⁰ Section 1008.34(3)(b)2.a., F.S.

⁵¹ Section 1001.42(18)(a)1., F.S.

⁵² 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.).

⁵³ 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).

⁵⁴ Florida Department of Education, Bureau of School Improvement, *Frequently Asked Questions: SIP*, <https://www.floridacims.org/faqs?category=sip> (last visited Sept. 8, 2016).

⁵⁵ Section 1008.345(6)(d), F.S.

⁵⁶ Section 1002.33(9)(n)1., F.S.

⁵⁷ Section 1002.33(9)(n)2.a., F.S.

nonconsecutive grade of “F” within a 3-year period.⁵⁸ 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.⁵⁹ 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.⁶⁰

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.⁶¹

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.⁶²

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.⁶³

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.”

⁵⁸ Section 1002.33(9)(n)2.b., F.S.

⁵⁹ Section 1002.33(9)(n)2.d., F.S.

⁶⁰ 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.

⁶¹ Section 1002.33(9)(n)4., F.S.

⁶² Section 1002.33(9)(n)6., F.S.

⁶³ 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.⁶⁴ 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;

⁶⁴ 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*,⁶⁵ 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 policies, 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;

⁶⁵ 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,⁶⁶ 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.⁶⁷

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.⁶⁸ School grades are also used to determine whether a school must select or implement a turnaround option⁶⁹ or whether a school is eligible for school recognition funds as appropriated by the Legislature.⁷⁰

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 points⁷¹

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.⁷² 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
Achievement (0% to 100%)	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

⁶⁶ See ch. 1999-398, L.O.F.; Florida Department of Education, *Evaluation and Reporting, Florida School Recognition Program*, Frequently Asked Questions, <http://www.fldoe.org/accountability/accountability-reporting/fl-school-recognition-program/FAQ.shtml> (last visited Mar. 13, 2017).

⁶⁷ Section 3, ch. 1997-212, L.O.F.

⁶⁸ 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.

⁶⁹ See s. 1008.33(4), F.S.

⁷⁰ See s. 1008.26, F.S.

⁷¹ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

⁷² See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

Learning Gains (0% to 100%)	Learning Gains (0% to 100%)			school EOC assessments & industry certifications (0% to 100%)		rate (0% to 100%)	college credit through AP, IB, AICE, dual enrollment, or earn industry certification (0% to 100%) ⁷³
Learning Gains of Low 25% (0% to 100%)	Learning Gains of Low 25% (0% to 100%)						

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.⁷⁴

School Recognition

The Florida School Recognition Program was created in 1997 to recognize the “outstanding faculty and staff in highly productive [public] schools.”⁷⁵ The program provides public recognition and financial awards to schools sustaining high student performance or schools that demonstrate exemplary improvement in student performance.⁷⁶ Funds were first awarded to eligible schools in the 1999-2000 school year.⁷⁷

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.⁷⁸ In addition, alternative schools that maintain a “commendable” rating or improve at least one improvement-rating level are also eligible for awards.⁷⁹

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.⁸⁰

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

⁷³ 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.

⁷⁴ See s. 1008.34(3)(a), F.S.

⁷⁵ 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.

⁷⁶ Section 1008.36(2), F.S.; Florida Department of Education, Accountability Reporting, *Florida School Recognition Program: Frequently Asked Questions*, <http://www.fldoe.org/how-do-i/evaluation-reporting.shtml> (last visited Mar. 13, 2017).

⁷⁷ *Id.*

⁷⁸ 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.

⁷⁹ 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.*

⁸⁰ 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 80th percentile or higher for schools within the same grade group (elementary schools, middle schools, high schools, or combination schools) for 2 of the last 3 school years. In order to qualify, the school must have data for each school grades component for its grade group.

Under the bill, a school retains its designation as a School of Excellence for 3 years so long as it does not receive a school grade lower than a "B" during that span. The school may renew its designation for another 3 years if it remains in the 80th percentile or higher for 2 of the 3 years and does not receive a grade lower than a "B" in any of the years. The bill provides that a School of Excellence that receives a grade lower than "B" may not continue to be designated as a School of Excellence and loses its administrative flexibility during the remainder of the 3-year period.

The bill provides the following administrative flexibilities to a School of Excellence:

- Exemption from any provision in law or rule that expressly requires a minimum period of daily or weekly instruction in reading
- The same autonomy over personnel and budgetary decisions for the school's principal as provided to principals participating in the Principal Autonomy Pilot Project Initiative
- Exemption from district-set starting and stopping times for the school day
- Calculation for compliance with maximum class size at the school level rather than the classroom level

In addition, the bill allows a teacher to substitute 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of their professional certificate.⁸¹ 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

⁸¹ 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.⁸²

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.⁸³

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.⁸⁴

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."⁸⁵ The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.⁸⁶ 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."⁸⁷

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.⁸⁸ The school must be

⁸² Section 1001.42(18)(b), F.S.

⁸³ Section 1001.42(18)(a), F.S.

⁸⁴ 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 (incorporated by reference in rule 6A-1.099811, F.A.C.).

⁸⁵ Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

⁸⁶ Section 1002.33(2)(b)3. and (16), F.S.

⁸⁷ Section 1002.33(2)(a)1., F.S.

⁸⁸ 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.⁸⁹ A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.⁹⁰

A person or entity seeking to open a charter school must submit an application using the model application form prepared by the DOE.⁹¹ 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.⁹²

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.⁹³ 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

⁸⁹ Section 1002.33(12)(i), F.S.

⁹⁰ Section 1002.33(5)(a)1., F.S.

⁹¹ Section 1002.33(6)(a), F.S.

⁹² Section 1002.33(6)(b), F.S.

⁹³ 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.⁹⁴

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.⁹⁵ Such applications may only be denied under certain circumstances.⁹⁶ 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.⁹⁷

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.⁹⁸

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

⁹⁴ 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.

⁹⁵ Section 1002.331(3)(a), F.S.

⁹⁶ Section 1002.33(6)(b)3.b., F.S.

⁹⁷ Section 1002.331(3)(b), F.S.

⁹⁸ 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.⁹⁹

A high-performing charter school system may replicate its high-performing charter schools using the current application process outlined in law.¹⁰⁰

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.¹⁰¹

Effect of Proposed Changes

⁹⁹ Section 1002.332(1)(b), F.S.

¹⁰⁰ Section 1002.332(2), F.S.

¹⁰¹ 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 sponsor¹⁰² for inclusion in the district's report of student enrollment.¹⁰³ The following chart summarizes how a charter school's share of FEFP funds is determined:

Calculating a Charter School's Share of FEFP Funds ¹⁰⁴
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.¹⁰⁵ 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.¹⁰⁶ 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.¹⁰⁷

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,

¹⁰² A sponsor can be a district school board that approves the charter and holds the contract. Section 1002.33(5)(a)1., F.S.

¹⁰³ 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.

¹⁰⁴ Section 1002.33(17)(b) and (c), F.S.

¹⁰⁵ Section 1002.33(17)(b), F.S.

¹⁰⁶ 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).

¹⁰⁷ 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.¹⁰⁸ 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.¹⁰⁹ A sponsor may only withhold the administrative fee for the first 250 students enrolled in each charter school.¹¹⁰ 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.¹¹¹

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.¹¹² The total administrative fee for high-performing charter schools is up to 2 percent for enrollment up to and including 250 students per school.¹¹³

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.¹¹⁴ 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.¹¹⁵ Sponsors are prohibited from imposing additional fees or surcharges for services provided.¹¹⁶

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

¹⁰⁸ 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>.

¹⁰⁹ Section 1002.33(20)(a)2., F.S.

¹¹⁰ 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.*

¹¹¹ 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.

¹¹² Section 1002.33(20)(a)4. and 6., F.S.

¹¹³ Section 1002.33(20)(a)3., F.S.

¹¹⁴ Section 1002.33(20)(a)2., F.S.

¹¹⁵ Section 1002.33(20)(a)8., F.S.

¹¹⁶ 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.¹¹⁷ 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 11.¹¹⁸

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.¹¹⁹

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,¹²⁰ 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)¹²¹ 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.¹²²

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

¹¹⁷ Section 1002.33(23), F.S.

¹¹⁸ Section 1002.33(21)(b)3.a., F.S.

¹¹⁹ 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.

¹²⁰ 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).

¹²¹ 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.

¹²² 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.¹²³ School grades are also used to determine whether a school must select or implement a turnaround option¹²⁴ or whether a school is eligible for school recognition funds as appropriated by the Legislature.¹²⁵

An alternative school may opt for a school improvement rating instead of a school grade.¹²⁶ 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.¹²⁷ Schools that improve their ratings by at least one level or maintain a "commendable" rating are eligible for school recognition awards.¹²⁸ 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 gains¹²⁹

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.¹³⁰ Likewise, student performance data for eligible students in Exceptional Student Education (ESE) Centers are included in the calculation of the home school grade.¹³¹

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

¹²³ 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.

¹²⁴ Section 1008.33(4), F.S.

¹²⁵ Section 1008.26, F.S.

¹²⁶ 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.

¹²⁷ Section 1008.341(3), F.S.

¹²⁸ Section 1008.341(2), F.S. (flush left provisions at the end of the subsection).

¹²⁹ Section 1008.341(2)(a)-(c), F.S.

¹³⁰ Section 1008.34(3)(d)1., F.S.

¹³¹ 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.¹³² 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.¹³³

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.¹³⁴

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 Services¹³⁵

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.

¹³² Section 1002.33(18)(a), F.S.

¹³³ Section 1002.33(18)(c), F.S.

¹³⁴ Section 1002.3305(1), F.S.

¹³⁵ 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 chain¹³⁶ 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;¹³⁷
- 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.¹³⁸

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;¹³⁹
- 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.¹⁴⁰

¹³⁶ 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.

¹³⁷ 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.

¹³⁸ 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.

¹³⁹ 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 ¹⁴¹	432
2013-14	\$90.6 million ¹⁴²	473
2014-15	\$75.0 million ¹⁴³	487
2015-16	\$50.0 million ¹⁴⁴	535
2016-17	\$75.0 million ¹⁴⁵	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.¹⁴⁶ At least three school districts, Franklin, Sarasota, and Sumter, have shared revenue generated from the discretionary 1.5 millage with charter schools within their districts¹⁴⁷; 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-

¹⁴⁰ Section 1013.62(3)(a)-(h), F.S.

¹⁴¹ Specific Appropriation 16, s. 2, ch. 2012-118, L.O.F.

¹⁴² Specific Appropriation 18, s. 2, ch. 2013-40, L.O.F.

¹⁴³ Specific Appropriation 25, s. 2, ch. 2014-51, L.O.F.

¹⁴⁴ Specific Appropriation 18, s. 2, ch. 2015-232, L.O.F.

¹⁴⁵ Specific Appropriation 19, s. 2, ch. 2016-66, L.O.F.

¹⁴⁶ Section 1011.71(2), F.S.

¹⁴⁷ 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.¹⁴⁸

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.¹⁴⁹

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.¹⁵⁰

¹⁴⁸ 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>.

¹⁴⁹ Email, Florida Department of Education, Governmental Relations (April 10, 2017).

¹⁵⁰ 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. 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>
OTHER PROGRAMS AND ACTIVITIES		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).¹⁵¹ 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);¹⁵² and alternate assessments for students with significant cognitive disabilities.¹⁵³ 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.¹⁵⁴

Results from the assessments are used to calculate school grades and school improvement ratings¹⁵⁵ and determine student readiness for promotion to 4th grade and high school graduation.¹⁵⁶ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.¹⁵⁷

Florida and federal law both require that all public school students annually participate in statewide, standardized ELA and mathematics assessments beginning in the 3rd grade.¹⁵⁸ 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 12.¹⁵⁹ The requirements for students in Florida are as follows.¹⁶⁰

- 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.¹⁶¹ 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.¹⁶²

¹⁵¹ 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>.

¹⁵² 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>.

¹⁵³ See s. 1008.22(3), F.S.

¹⁵⁴ Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

¹⁵⁵ See ss. 1008.34 and 1008.341, F.S.

¹⁵⁶ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

¹⁵⁷ See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

¹⁵⁸ See s. 1008.22(3)(a); 20 U.S.C. s. 6311(b)(2)(v)(I).

¹⁵⁹ See 20 U.S.C. s. 6311(b)(2)(B)(v)(II).

¹⁶⁰ See s. 1008.22(3)(a) and (b), F.S.

¹⁶¹ Section 1008.22(7)(b), F.S.

¹⁶² 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.¹⁶³ Inside of the state window, districts establish their own windows during which the district will administer a given assessment.

Spring 2017 Assessments (Regular Administration)¹⁶⁴	
February 27-March 3, 2017	Grades 4-7 English Language Arts – Writing
February 27-March 10, 2017	Grades 8-10 English Language Arts – Writing
March 27-April 7, 2017	Grade 3 English Language Arts – Reading
April 10-May 12, 2017	Grades 4-10 English Language Arts – Reading Grades 3-8 Mathematics
April 17-May 12, 2017	Algebra I, Geometry, Algebra II EOC Assessments
April 17-May 19, 2017	Biology I, Civics, U.S. History EOC Assessments
May 1-5, 2017	Grades 5 & 8 Science

Computer-Based Testing

The law has required the gradual transition to computer-based assessments beginning with the 2015-2016 school year.¹⁶⁵ Currently, all assessments, except the 3rd 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 3rd grade ELA assessment will be administered as a computer-based test beginning with the 2017-2018 school year.¹⁶⁶ A student may take a paper-based assessment if indicated by his or her individual education plan as a necessary accommodation.¹⁶⁷ 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.¹⁶⁸

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.¹⁶⁹ The 3rd grade ELA assessment is also administered earlier so that decisions related to 4th grade promotion can be made prior to the completion of the school year.

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 9th and 10th grade statewide, standardized assessments for ELA. Students must pass the Algebra I EOC assessment and the 10th grade statewide, standardized ELA assessment, or earn a concordant or comparative score on the SAT, ACT, or PERT, as applicable, to graduate.

Other Requirements

¹⁶³ Florida Department of Education, *2016-2017 Uniform Statewide Assessment Calendar* (2016), available at <http://fldoe.org/core/fileparse.php/5663/urlt/K12UniformAssessmentCalendar16-17.doc>.

¹⁶⁴ 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>.

¹⁶⁵ 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>.

¹⁶⁶ See *id.* The grade 3 ELA assessment does not include a separate writing component.

¹⁶⁷ 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).

¹⁶⁸ Email, Florida Department of Education, Bureau of K-12 Student Assessment (Nov. 3, 2016).

¹⁶⁹ *Id.*

In addition, school districts must participate in national and international comparison assessments, such as the National Assessment of Educational Progress (NAEP),¹⁷⁰ 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.¹⁷¹ All Students with disabilities, except for students with an approved medical complexity or extraordinary exemption waiver, must participate in the statewide, standardized assessments.¹⁷² 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.¹⁷³

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.¹⁷⁴ The law also requires that assessment and reporting schedules must provide the earliest possible reporting of student assessment results to school districts.¹⁷⁵

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.¹⁷⁶ The report for the 3rd grade ELA assessment includes the achievement level the student earned on the assessment, the number of points possible and points earned in each "reporting category," and the percentage of students in the school, district, and state at each achievement level for the assessment.¹⁷⁷

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:

¹⁷⁰ 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).

¹⁷¹ See s. 1008.22(2), F.S.

¹⁷² See ss. 1008.212 and 1008.22(10), F.S.

¹⁷³ 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.

¹⁷⁴ See ss. 7 and 15, ch. 2015-6, L.O.F., codified at s. 1008.22(3)(g)2., F.S.

¹⁷⁵ Section 1008.22(7)(a), F.S.

¹⁷⁶ Florida Department of Education, *Understanding the New Score Report*, <http://fldoe.org/accountability/assessments/fsa-report.stml> (last visited Mar. 13, 2017).

¹⁷⁷ 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)¹⁷⁸ 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).¹⁷⁹ 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;¹⁸⁰
- **high quality assessments** in ELA, math, and science;¹⁸¹
- **long-term goals** for all students and student subgroups¹⁸² in the state, including measurements of interim progress toward meeting the goals;¹⁸³
- **multiple indicators** of student success and school quality,¹⁸⁴ 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 learners¹⁸⁵ (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;¹⁸⁶ and
- **identification of schools**, based on annual meaningful differentiation that requires comprehensive support and improvement or targeted support for specific student subgroups.¹⁸⁷

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.¹⁸⁸

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 12.¹⁸⁹

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

¹⁷⁸ Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.*

¹⁷⁹ Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

¹⁸⁰ 20 U.S.C. s. 6311(b)(1).

¹⁸¹ 20 U.S.C. s. 6311(b)(2).

¹⁸² 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).

¹⁸³ 20 U.S.C. s. 6311(c)(4)(A).

¹⁸⁴ 20 U.S.C. s. 6311(c)(4)(B).

¹⁸⁵ 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).

¹⁸⁶ 20 U.S.C. s. 6311(c)(4)(C).

¹⁸⁷ 20 U.S.C. s. 6311(c)(4)(D).

¹⁸⁸ *See* 20 U.S.C. s. 6311(h)(1) and (2).

¹⁸⁹ 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.¹⁹⁰ However, any such assessment must:¹⁹¹

- 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.¹⁹² 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.¹⁹³ 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.¹⁹⁴

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.¹⁹⁵ Provisions governing access, maintenance, and destruction of such instruments and materials are prescribed in rule by the SBE.¹⁹⁶

¹⁹⁰ See 20 U.S.C. s. 6311(b)(2)(H).

¹⁹¹ 20 U.S.C. s. 6311(b)(2)(H)(i)-(v).

¹⁹² 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>.

¹⁹³ 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>.

¹⁹⁴ *Id.*

¹⁹⁵ See s. 1008.23 F.S.

¹⁹⁶ 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.¹⁹⁷

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.¹⁹⁸

According to the DOE, budgetary constraints ended the practice beginning in 2008.¹⁹⁹ 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.²⁰⁰ This practice is becoming commonplace among states.²⁰¹ 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.²⁰²

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.²⁰³ 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

¹⁹⁷ Florida Department of Education, Agency Analysis of 2016 House Bill 549 p. 3 (Feb. 7, 2017).

¹⁹⁸ *Id* at 2-3.

¹⁹⁹ 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).

²⁰⁰ Florida Department of Education, Agency Analysis of 2017 House Bill 549, p. 3 (Feb. 7, 2017).

²⁰¹ *Id* at 3.

²⁰² *Id* at 3.

²⁰³ *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.²⁰⁴ 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.²⁰⁵ 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.²⁰⁶

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.²⁰⁷

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.²⁰⁸ The DOE must calculate VAM scores for these teachers, and school districts must use the scores in the student performance portion of their evaluations.²⁰⁹

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).²¹⁰

²⁰⁴ David Morganstein & Ron Wasserstein, *ASA Statement on Using Value-Added Models for Educational Assessment* 1 STATISTICS & PUB. POL'Y 108 (2014).

²⁰⁵ 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>.

²⁰⁶ 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)).

²⁰⁷ 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>.

²⁰⁸ Section 1012.34(3)(a), F.S.

²⁰⁹ See s. 1012.34(2) and (8), F.S.

²¹⁰ 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.²¹¹

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.²¹² 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.²¹³

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.²¹⁴ 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.²¹⁵ 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."²¹⁶

²¹¹ 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.

²¹² See Tennessee Department of Education, *Tennessee Value-Added Assessment System*, <http://www.tn.gov/education/topic/tvaas> (last visited Apr. 19, 2017).

²¹³ See SAS Institute, Inc., *TVAAS: What's New in 2016* (2016), available at <https://tvaas.sas.com/support/TVAAS-WhatsNew2016.pdf>.

²¹⁴ Sections 1012.55(1) and 1002.33(12)(f), F.S.

²¹⁵ 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.

²¹⁶ 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.²¹⁷ The professional certificate is valid for five years and is renewable.²¹⁸
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.²¹⁹ The temporary certificate is valid for three years and is nonrenewable.²²⁰
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.²²¹ 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.²²² The five-year certificate requires satisfaction of certain specialization requirements established in rule.²²³

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.²²⁴

To be eligible for an educator certificate, a person must.²²⁵

- 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 learning²²⁶ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;²²⁷
- 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.²²⁸ 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

²¹⁷ Rule 6A-4.004(2), F.A.C.

²¹⁸ 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.

²¹⁹ Rule 6A-4.004(1)(a)2., F.A.C.

²²⁰ 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.

²²¹ Section 1012.55(2), F.S.

²²² Rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

²²³ *See* rule 6A-4.0282, F.A.C.

²²⁴ 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.

²²⁵ Section 1012.56(2)(a)-(f), F.S.

²²⁶ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Mar. 9, 2017) (list of accrediting agencies approved by the U.S. Department of Education).

²²⁷ 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.

²²⁸ 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 2017.²²⁹

To receive a temporary certificate, an applicant must:

- meet the basic eligibility requirements for certification;²³⁰
- 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;²³¹ and
- do one of the following:
 - demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);²³² or
 - complete the required degree or content courses specified in state board rule for subject area specialization²³³ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.²³⁴

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.²³⁵ 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.²³⁶ A temporary certificate is valid for 3 years and is nonrenewable.²³⁷

An applicant seeking a professional certificate must:

- meet the basic eligibility requirements for certification;²³⁸
- demonstrate mastery of general knowledge;²³⁹
- demonstrate mastery of subject area knowledge;²⁴⁰ and
- demonstrate mastery of professional preparation and education competence.²⁴¹

A professional certificate is valid for five years and is renewable.²⁴²

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

²²⁹ Telephone interview with Bureau Chief, Florida Department of Education, Bureau of Educator Certification (Feb. 23, 2017).

²³⁰ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

²³¹ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

²³² Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited April 28, 2016).

²³³ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

²³⁴ Section 1012.56(2)(c), F.S.; see Florida Department of Education, *Certificate Types and Requirements*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/index.shtml> (last visited Mar. 9, 2017).

²³⁵ Section 1012.56(7), F.S. (flush-left provisions at end of subsection).

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ Section 1012.56(2)(a)-(f), F.S.; see *supra* text accompanying notes 12-15.

²³⁹ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Mar. 9, 2017).

²⁴⁰ Section 1012.56(2)(h) and (5), F.S.

²⁴¹ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Mar. 9, 2017) [hereinafter *Professional Preparation and Education Competence*].

²⁴² 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;²⁴³

- 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;²⁴⁴
- completing 15 semester hours in professional preparation courses specified in state board rule²⁴⁵ or completing the Professional Training Option for Content Majors;²⁴⁶ completing requirements for practical experience in teaching;²⁴⁷ completing an approved professional education competence demonstration program;²⁴⁸ and passing the PET, SAE, and GKT;²⁴⁹
- providing documentation of a valid professional standard teaching certificate issued by another U.S. state or by the National Board Professional Teaching Standards (NBPTS);²⁵⁰
- 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;²⁵¹ 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.²⁵²

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

²⁴³ 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.

²⁴⁴ 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.

²⁴⁵ 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.

²⁴⁶ 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.

²⁴⁷ *Professional Preparation and Education Competence*, supra note 237; see rules 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.

²⁴⁸ 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.

²⁴⁹ Section 1012.56(6)(f), F.S.

²⁵⁰ Section 1012.56(6)(c)-(d), F.S.; see rule 6A-4.002(1)(i)-(j), F.A.C.

²⁵¹ Section 1012.56(6)(d), F.S.; rule 6A-4.002(1)(j), F.A.C.; *Professional Preparation and Education Competence*, supra note 237.

²⁵² 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.²⁵⁴

A professional certificate must be renewed every five years.²⁵⁵ An educator must submit an application,²⁵⁶ pay a fee,²⁵⁷ and earn at least six college credits or 120 inservice points to renew professional certification.²⁵⁸ At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.²⁵⁹ 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.²⁶⁰ 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.²⁶¹

State board rule includes special provisions for teachers of limited English proficient students, teachers of students with disabilities and teachers of reading.²⁶² 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.²⁶³ 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.²⁶⁴

²⁵³ Chapter 2016-117, L.O.F.

²⁵⁴ 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>.

²⁵⁵ Section 1012.585(2)(a), F.S.

²⁵⁶ 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.

²⁵⁷ The fee for a certification renewal is \$75. Rules 6A-4.0051(3)(b), F.A.C. and 6A-4.0012(1)(a)1.

²⁵⁸ 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).

²⁵⁹ Section 1012.585(3)(a), F.S.

²⁶⁰ Section 1012.585(3)(c), F.S.; rule 6A-4.0051(2)(c), F.A.C.

²⁶¹ Section 1012.585(3)(a), F.S.

²⁶² Rule 6A-4.0051(5), F.S.

²⁶³ Section 1012.585(3)(d)1., F.S.

²⁶⁴ 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.²⁶⁵

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.²⁶⁶ Certification by NBPTS is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.²⁶⁷

Teacher Preparation

There are various teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:²⁶⁸

- **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.²⁶⁹
- **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.²⁷⁰

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.²⁷¹ 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,

²⁶⁵ 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.*

²⁶⁶ 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.

²⁶⁷ Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

²⁶⁸ 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.

²⁶⁹ Rule 6A-5.066, F.A.C.

²⁷⁰ Section 1012.98(1), F.S.

²⁷¹ 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.²⁷² 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.²⁷³ 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.²⁷⁴

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.²⁷⁵ 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.²⁷⁶

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.²⁷⁷

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.”²⁷⁸ 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

²⁷² *Id.*

²⁷³ Section 1012.98(11), F.S.

²⁷⁴ Section 1012.98(7), F.S.

²⁷⁵ Section 1012.98(4)(b), F.S.

²⁷⁶ Section 1012.98(4)(b), F.S.

²⁷⁷ Section 1012.98(9), F.S.

²⁷⁸ Richard Ingersoll, *Beginning Teacher Induction: What the Data Tell Us*, http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

higher clip than experienced ones or teachers who retire.²⁷⁹ Beginning teachers who leave the profession often report a lack of adequate administrative support as a motivating factor.²⁸⁰ 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.²⁸¹ However, there is great variation in the quality of induction opportunities offered to new teachers between states and school districts.²⁸²

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.²⁸³

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.²⁸⁴ 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,²⁸⁵ 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.

²⁷⁹ See *id.*

²⁸⁰ *Id.*

²⁸¹ See *id.*

²⁸² 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>.

²⁸³ See Richard Ingersoll, *Beginning Teacher Induction: What the Data Tell Us*, http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

²⁸⁴ See s. 1012.56(8)(a)3., F.S.

²⁸⁵ *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.²⁸⁶ The Legislature formally created the Just Read, Florida! Office (Office) within the Department of Education in 2006.²⁸⁷

²⁸⁶ Exec. Order No. 01-260 (2001).

²⁸⁷ 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;²⁸⁸
- 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.²⁸⁹

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

²⁸⁸ Requirements relating to district reading plans are found in s. 1011.62(9), F.S.

²⁸⁹ 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 difficulties²⁹⁰

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 difficulties²⁹¹

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.²⁹² 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 4.²⁹³ Candidates in educator preparation institutes and district professional development certification programs must be prepared in only competencies 1 and 2.²⁹⁴

Effect of Proposed Changes

The bill requires the Office to identify proven reading instruction and intervention programs²⁹⁵ that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics,

²⁹⁰ Rule 6A-4.0291, F.A.C.

²⁹¹ Rule 6A-4.0292, F.A.C.

²⁹² 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.

²⁹³ Rule 6A-5.066(1)(hh)4.a., F.A.C.

²⁹⁴ Rule 6A-5.066(1)(hh)4.b., F.A.C.

²⁹⁵ 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.²⁹⁶ 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.²⁹⁷

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.²⁹⁸ The screening must provide objective data concerning each student’s readiness for kindergarten and progress in attaining VPK performance standards.²⁹⁹ The screener administered by the department will be developed by Renaissance Learning, Inc.³⁰⁰

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.³⁰¹

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.³⁰²

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.³⁰³ 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.³⁰⁴

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.³⁰⁵

²⁹⁶ Section 1008.25(5)(a), F.S. Students in kindergarten through 2nd grade do not participate in statewide, standardized assessments.

²⁹⁷ Section 1008.25(4)(a).

²⁹⁸ Section 1002.69, F.S.

²⁹⁹ *Id.*; s. 1002.67(1), F.S.

³⁰⁰ 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).

³⁰¹ Section 1008.25(4)(b), F.S.

³⁰² Section 1008.25(3), F.S.

³⁰³ See Rules 6A-6.0331(1) and 6A-1.099811(2)(r), F.A.C.

³⁰⁴ Rule 6A-6.0331(a), F.S.

³⁰⁵ 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.³⁰⁶ 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.³⁰⁷

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.³⁰⁸ 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 year³⁰⁹

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.³¹⁰

³⁰⁶ Section 1008.25(5)(a)-(b), F.S.

³⁰⁷ Section 1008.25(6)(b), F.S.

³⁰⁸ Section 1008.25(7)(b), F.S.

³⁰⁹ *Id.*

³¹⁰ 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.³¹¹

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.³¹²

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,³¹³ 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.³¹⁴

³¹¹ Section 1008.25(8)(a), F.S.

³¹² Rule 6A-6.053(6)(e), F.A.C.

³¹³ 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.

³¹⁴ 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.³¹⁵

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."³¹⁶ Instructional materials funds available after March 1 may be used to purchase hardware for student instruction.³¹⁷ 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.³¹⁸

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.³¹⁹

Reading and Supplemental Academic Instruction Allocations

In 1999, the Legislature created the Supplemental Academic Instruction (SAI) Categorical Fund as part of the A+ Education Plan³²⁰ for the purpose of assisting school districts in providing supplemental instruction to students in kindergarten through grade 12.³²¹

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.³²² After this requirement has

³¹⁵ Section 1011.67(2), F.S.

³¹⁶ 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.

³¹⁷ Section 1011.62(6)(b)5., F.S.

³¹⁸ Section 1006.40(7), F.S.

³¹⁹ *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.

³²⁰ Section 23, ch. 99-398, L.O.F.

³²¹ 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>.

³²² 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 12.³²³ The funds must be used to provide a system of comprehensive reading instruction to K-12 students, which may include providing:³²⁴

- 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,³²⁵ which reviews and approves the district's plan.³²⁶ School districts have flexibility in developing their plans and are encouraged to offer reading intervention through innovative methods.³²⁷ One hundred percent of the research-based reading instruction allocation must be used to implement a school district's approved plan.³²⁸

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 allocation³²⁹ 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.

³²³ Section 1011.62(9), F.S.

³²⁴ *Id.* at (9)(c).

³²⁵ Section 1011.62(9)(d), F.S. *See also* Rule 6A-6.053, F.A.C.

³²⁶ *Id.*

³²⁷ *Id.*

³²⁸ *Id.*

³²⁹ 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 2020.³³⁰

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.³³¹ 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.³³² 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.”³³³ 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.³³⁴

³³⁰ Florida Department of Education, *Florida Instructional Materials Adoption Schedule for Adoption Years 2015-2016 through 2019-2020* (Feb. 3, 2015), available at <http://www.fl DOE.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>.

³³¹ Section 1003.42(2)(a)-(d), F.S.

³³² Section 1003.42(2)(s), F.S.

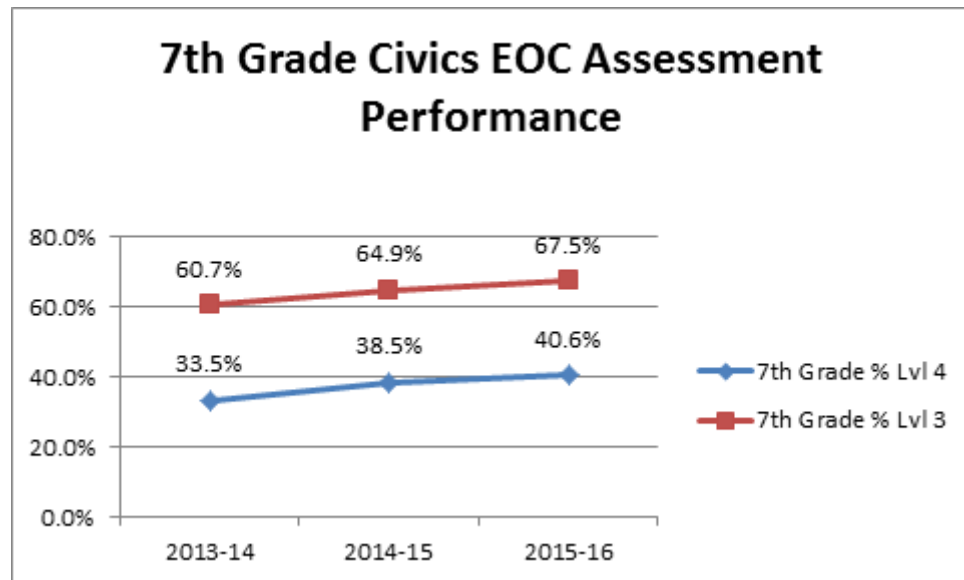
³³³ *Id.*

³³⁴ *Id.*

Currently, Florida's NGSSS for social studies include civics content in kindergarten through grade 8 and in grades 9 through 12.³³⁵ The standards were initially adopted after a review process in 2008 and then revised in 2014 by the SBE.³³⁶

Each middle grades student must successfully complete three middle school or higher courses in social studies in order to be promoted to high school.³³⁷ 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.³³⁸

The percentage of 7th grade students achieving a Level 3 (passing score) or a Level 4 on the Civics EOC assessment has steadily increased since the 2013-14 school year.³³⁹



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.³⁴⁰ 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.³⁴¹

³³⁵ 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).

³³⁶ 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>.

³³⁷ Section 1003.4156(1)(c), F.S.

³³⁸ See ss. 1003.4156(1)(c), 1008.34(3)(b)1.i., F.S.

³³⁹ Florida Department of Education, PK-12 Education Information Portal: *Civics EOC*, <https://edstats.fldoe.org/SASPortal/public> (last visited Feb. 27, 2017).

³⁴⁰ Section 1003.4282(3)(d), F.S.

³⁴¹ *Id.*

Although the law provides for civics-related academic standards and promotion and graduation requirements, there is no postsecondary civics course requirement in Florida.³⁴² 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.³⁴³ The six courses that students can select to satisfy the social sciences requirement include:

- American History
- Government
- Economics
- Anthropology
- Sociology
- Psychology³⁴⁴

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.³⁴⁵ Currently, only nine states have postsecondary civics education requirements, including Texas, Oklahoma, Utah, Arkansas, California, Georgia, Massachusetts, Missouri, and Nevada.³⁴⁶

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.³⁴⁷ 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.³⁴⁸ 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.³⁴⁹

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

³⁴² 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>.

³⁴³ See s. 1007.25(3), F.S.

³⁴⁴ 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).

³⁴⁵ 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>.

³⁴⁶ See *id.*

³⁴⁷ Daniel Wilingham, *How Knowledge Helps*, <http://www.aft.org/periodical/american-educator/spring-2006/how-knowledge-helps> (last visited Feb. 28, 2017).

³⁴⁸ 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).

³⁴⁹ See *id.*

compared to science and social studies instruction has been associated with students' decreased reading comprehension.³⁵⁰

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.³⁵² 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 2.³⁵³ 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.³⁵⁴

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

³⁵⁰ 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>.

³⁵¹ *Id.* at 5.

³⁵² 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%20SAS.pdf>.

³⁵³ New York State Education Department, *New York State ELA Curriculum*, <https://www.engageny.org/english-language-arts> (last visited Feb. 28, 2017).

³⁵⁴ 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.

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);³⁵⁵
- full-time enrollment in a virtual charter school;³⁵⁶
- enrollment in individual virtual courses offered by school districts and approved by DOE;³⁵⁷ and
- full-time or part-time enrollment in the Florida Virtual School (FLVS) or school district FLVS franchises³⁵⁸

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:³⁵⁹

- 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.³⁶⁰

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.³⁶¹

³⁵⁵ Section 1002.45, F.S.

³⁵⁶ Sections 1002.33(1) and 1002.45(1)(d), F.S.

³⁵⁷ Section 1003.498, F.S.

³⁵⁸ Sections 1002.37 and 1002.45(1)(a)1. and (c)1., F.S.

³⁵⁹ Sections 1002.45(5) and 1002.455(2), F.S.

³⁶⁰ Section 1002.455(2), F.S.

³⁶¹ 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.³⁶²

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.³⁶³ Funds are distributed to qualified³⁶⁴ Scholarship Funding Organizations (SFOs) to establish accounts for eligible students.³⁶⁵ 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.³⁶⁶

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.³⁶⁷

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,³⁶⁸ and

³⁶² Section 1002.455(2), F.S.

³⁶³ Section 1002.385(1), F.S.

³⁶⁴ Section 1002.385(2)(e), F.S.

³⁶⁵ Section 1002.385, F.S.

³⁶⁶ Section 1002.385(5), F.S.

³⁶⁷ 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.³⁶⁹

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.³⁷⁰

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.³⁷¹ The scholarship is provided on a first-come, first-served basis.³⁷²

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 1002.³⁷³

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 providers³⁷⁴

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;³⁷⁵

³⁶⁸ Section 1002.385(2)(d), F.S.

³⁶⁹ Section 1002.385(3)(a), F.S.

³⁷⁰ Section 1002.385(7)(a)1., F.S.

³⁷¹ Section 1002.385(3)(b), F.S.

³⁷² Section 1002.385(12)(b), F.S.

³⁷³ Section 1002.385(4), F.S.

³⁷⁴ Section 1002.385(5)(m), F.S.

³⁷⁵ 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;³⁷⁶ 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.³⁷⁷

Eligible providers may not share, refund or rebate any money from a student's GSP account with the parent or participating student.³⁷⁸

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.³⁷⁹

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.³⁸⁰ Core courses are: English language arts, mathematics, science, and social studies.³⁸¹ The remaining required courses are

³⁷⁶ Section 1002.385(2)(f), F.S.

³⁷⁷ Section 1002.385(2)(g), F.S.

³⁷⁸ Section 1002.385(5), F.S.

³⁷⁹ See s. 1008.4282(3)(a)-(g), F.S.

³⁸⁰ Section 1003.01(14), F.S.

³⁸¹ 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.³⁸²

*Core and Extracurricular Course and Credit Requirements*³⁸³

Course	Credit
English Language Arts (ELA) ELA I, II, III, and IV	4
Mathematics -One credit in Algebra I, one credit in Geometry, and two additional credits. -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
Science -One credit in Biology I and 2 credits in equally rigorous courses -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
Social Studies -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
Fine Arts, Performing Arts, Speech and Debate, or Practical Arts -The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible courses are identified in the Course Code Directory. ³⁸⁴	1
Physical Education -Must include the integration of health.	1
Electives -Must include opportunities for students to earn college credit, including industry-certified career programs or courses that lead to college credit.	8
Online Course Requirement ³⁸⁵ -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

³⁸² Section 1003.01(15), F.S.

³⁸³ Section 1003.4282(3), F.S.

³⁸⁴ 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.

³⁸⁵ 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.³⁸⁶ 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.³⁸⁷ 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.³⁸⁸ 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.³⁸⁹

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.³⁹⁰

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;

³⁸⁶ Section 1003.4282(4)(a), F.S.

³⁸⁷ Section 1003.24, F.S. (flush-left provisions at end of section).

³⁸⁸ Section 1003.26, F.S.

³⁸⁹ Section 1003.24(4), F.S.

³⁹⁰ 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.³⁹¹

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).³⁹²

A "certified behavior analyst" is a person who is certified under the Florida Behavior Certification Program in accordance with s. 393.17, F.S.³⁹³

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;³⁹⁴ 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.³⁹⁵

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.³⁹⁶

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.³⁹⁷ 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

³⁹¹ Section 456.001(5), F.S.

³⁹² Section 456.001(4), F.S.

³⁹³ Rule 59A-26.001, F.A.C.

³⁹⁴ Classroom teachers include substitute teachers. Section 1012.01(2)(a), F.S.

³⁹⁵ Section 1012.01(2), F.S.

³⁹⁶ 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.

³⁹⁷ 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.³⁹⁸

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.³⁹⁹

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 2005⁴⁰⁰ to provide funding to construct new student stations for school districts that meet the following criteria:⁴⁰¹

- 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.⁴⁰² The program has not subsequently been funded.

³⁹⁸ 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.

³⁹⁹ Section 1012.335(2)(c), F.S.

⁴⁰⁰ Chapter 2005-209, Laws of Florida

⁴⁰¹ Section 1013.738 (2), F.S.

⁴⁰² 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:⁴⁰³
 - 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,⁴⁰⁴ 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

⁴⁰³ 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*.

⁴⁰⁴ <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;⁴⁰⁵
- 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;⁴⁰⁶
- creates the Committee on Early Childhood Development to develop a proposals on certain early learning milestones;⁴⁰⁷
- 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;⁴⁰⁸
- 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;⁴⁰⁹
- 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;⁴¹⁰
- 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.

⁴⁰⁵ See Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 1139* (2017).

⁴⁰⁶ See Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 1131* (2017).

⁴⁰⁷ See Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 1229* (2017).

⁴⁰⁸ See Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 1365* (2017); cf. Specific Appropriation 108, s. 2, SB 2500 (2017).

⁴⁰⁹ See Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 655* (2017).

⁴¹⁰ 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

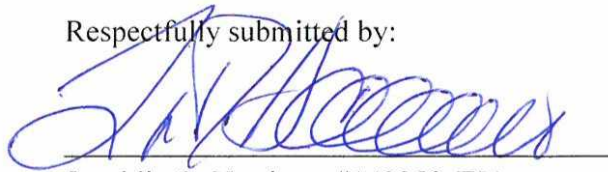
124. Plaintiffs respectfully request that the court expedite consideration of this action pursuant to § 86.111, Fla. Stat. (2017), which authorizes the Court to “order a speedy hearing of an action for a declaratory judgment” and “advance it on the calendar.”

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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7069-03-er

Exhibit "A"

ENROLLED

CS/HB 7069, Engrossed 1

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

ENROLLED

CS/HB 7069, Engrossed 1

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

Page 3 of 274

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7069-03-er

Exhibit "A"

ENROLLED

CS/HB 7069, Engrossed 1

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

ENROLLED

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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appeals process for a denied charter school application; requiring the use of the standard charter contract by specified entities; revising eligibility requirements for charter school students enrolled in blended learning courses; revising the criteria for certain charter schools that must follow corrective actions; authorizing a charter school to be exempt from provisions relating to controlled open enrollment under certain circumstances; clarifying provisions relating to charter schools and tort liability; revising the purpose of charter school cooperatives; authorizing the use of unrestricted assets for specified charter schools; requiring such funds to be used in accordance with specified provisions; prohibiting the adoption or imposition of specified requirements by specified entities for charter schools; revising the public information disclosures of charter schools; authorizing certain entities to share facilities with charter schools without additional approval; providing charter schools are eligible for capital outlay funds pursuant to specified provisions; revising the administrative fees that a district may withhold from charter schools; requiring charter schools to complete and submit an annual survey; deleting a requirement that the

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Department of Education compare certain data; revising eligibility criteria for designated local educational agency status; authorizing the governing board of a charter school system to be designated a local educational agency for certain schools; revising State Board of Education duties; amending 1002.3305, F.S.; revising the definition for the term "eligible student" for purposes of the College-preparatory Boarding Academy Pilot Program; amending s. 1002.331, F.S.; conforming provisions to changes made by the act; authorizing a high-performing charter school to establish more than one charter school in any year under certain circumstances; amending s. 1002.332, F.S.; authorizing a high-performing charter school system to replicate its schools in any school district and providing application requirements therefor; providing that certain procedures apply in specified circumstances; conforming cross-references; amending s. 1003.498, F.S.; revising eligibility requirements for students enrolled in blended learning courses; conforming provisions to changes made by the act; amending s. 1007.35, F.S.; revising the name of an ACT assessment for specified purposes; amending s. 1008.34, F.S.; revising the student performance data 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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revising what constitutes an educational emergency and establishing duties of district school boards relating to such emergency; prohibiting a district school board from awarding specified contracts based on certain contingency or conditions; providing applicability; providing a directive to the Division of Law Revision and Information; creating s. 1001.4205, F.S.; authorizing an individual district school board member to visit any district school in his or her school district; authorizing an individual charter school governing board member to visit any charter school governed by the charter school's governing board; providing requirements and restrictions; amending s. 1008.33, F.S.; providing requirements the intervention and support strategies must meet; providing for tailored intervention and support services for specified schools; revising the required timeline for the implementation of a district-managed turnaround plan; providing turnaround options available to school districts meeting specified criteria; amending s. 1008.345, F.S.; revising reporting requirements of the Commissioner of Education relating to the state system of school improvement and education accountability; revising the criteria a school must meet to have a community assessment team; revising the duties of a

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community assessment team; creating s. 1002.333, F.S., relating to persistently low-performing schools; providing definitions; providing eligibility criteria for hope operators; providing for the designation and redesignation of a hope operator; authorizing hope operators to establish schools of hope in specified areas; providing the process for the establishment of a school of hope; providing the requirements for a performance-based agreement; authorizing a school of hope to be designated as a local education agency; providing that a sponsor is not liable for specified damages; providing that a school of hope may be a private or public employer; authorizing a school of hope to participate in the Florida Retirement System; authorizing a hope operator to employ certain staff; providing specific statutory exemptions for schools of hope; requiring a school of hope to report its students for specified purposes; requiring a school district to include specified students in the district's report of student enrollment; requiring certain schools to comply with specified reporting guidelines; requiring a school of hope to provide the school district with a financial statement summary sheet that meets certain requirements; providing requirements for facilities used by schools of hope;

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requiring districts to annually provide a list of specified property to the department; requiring certain school districts that do not enter into specified agreements within a certain timeframe to reduce specified fees; providing for attorney fees under certain circumstances; providing that schools of hope shall be funded through the Florida Education Finance Program; creating the Schools of Hope Program; providing that schools of hope are eligible for funds through the program; providing guidelines for the use of such funds; providing that certain traditional public schools are eligible for such funds; providing duties of the State Board of Education; providing a mechanism to address school district noncompliance; providing authority and obligations of the State Board of Education; providing a mechanism for the resolution of disputes; providing for rulemaking; creating s. 1001.291, F.S.; establishing the Schools of Hope Revolving Loan Program; providing criteria for administration of the program; amending s. 1011.69, F.S.; requiring school districts to provide specified funds directly to schools eligible to receive such funds; providing a definition; authorizing school districts to withhold certain funds for specified purposes; authorizing eligible schools to use funds to

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participate in certain services; amending s. 1012.731, F.S.; providing the scholarship amount for the Florida Best and Brightest Teacher Scholarship Program; revising the future eligibility criteria for the program; providing additional scholarships to certain teachers for specified school years; providing for retention of a classroom teacher's scholarship eligibility under certain circumstances; requiring each school district to annually submit certain information to the Department of Education; deleting the scheduled expiration of the section; creating s. 1012.732, F.S.; creating the Florida Best and Brightest Principal Scholarship Program; providing legislative intent; providing for funding of the program; providing for certain school principals to receive a scholarship under the program; providing eligibility requirements; providing scholarship amounts; requiring the department to annually identify eligible school principals and disburse funds to school districts by a specified date; requiring each eligible school principal to receive a scholarship; requiring school districts to annually award scholarships to eligible school principals by a specified date; requiring school districts to provide 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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Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

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

1002.71 Funding; financial and attendance reporting.—

(3)

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

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

1003.52 Educational services in Department of Juvenile Justice programs.—

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

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~~the Department of Education.~~

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

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

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

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

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

3. Categorical funds for supplemental academic instruction shall be provided annually in the Florida Education Finance Program as specified in the General Appropriations Act. These funds shall be provided as a supplement to the funds appropriated for the basic funding level and shall be included in the total funds of each district. The allocation shall consist of a base amount that has a workload adjustment based on 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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sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

5.4. The Florida State University School, as a lab school, is authorized 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.

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

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

1. ~~A For the purpose of this section, the term "small, isolated high school" means Any high school that which is 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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of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university, which is located and ~~chartered in Florida,~~ is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education ~~the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools,~~ and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students

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

(1) *Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate 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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number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

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

(m) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each 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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designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

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

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

(n) *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*—A value of 0.16 full-time equivalent student 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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CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Exhibit "A"

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

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

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

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

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

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

(7) DETERMINATION OF SPARSITY SUPPLEMENT.—

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

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

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

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

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

~~(b) Each district school board shall adopt a district digital classrooms plan that meets the unique needs of students, schools, and personnel and submit the plan for approval to the Department of Education. In addition, each district school board must, at a minimum, seek input from the district's instructional, curriculum, and information technology staff to develop the district digital classrooms plan. The district's plan must be within the general parameters established in the 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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~~competitive process to distribute funds for the Florida digital classrooms allocation to the schools within the school district.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The amount allocated for each eligible school district 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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communities and increase student learning to the best of their professional ability.

(1) DESIGNATION.—

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

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

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

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

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

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

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

(b) The department shall issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from ~~if the applicant meets the requirements and if requested by an employer employing school district or an employing private school~~ with a professional education competence demonstration program pursuant to paragraphs (6)(f) and (8)(b). The ~~a~~ temporary certificate must cover ~~covering~~ the 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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her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances or for 1 year if the temporary certificateholder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner of Education pursuant to s. 1012.34(8). The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

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

(a) The Department of Education shall develop and each school district, charter school, and charter management organization may provide a cohesive competency-based professional development certification and education competency 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;it

1772 II. Must have earned at least 3 years of teaching
1773 experience in prekindergarten through grade 12;it 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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certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 1004.04(5)(b); participation in mentorship and induction activities, including as a mentor, pursuant to s. 1012.56(8)(a); and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy, including explicit, systematic, and sequential approaches to reading instruction, developing phonemic awareness, and implementing multisensory intervention strategies, and computational skills acquisition, exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be applied toward any 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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preparation programs under s. 1004.04 or s. 1004.85 or approved
school district professional development systems under s.
1012.98. The requirements in this paragraph may not add to the
total hours required by the department for continuing education
or inservice training.

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

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

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

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

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

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

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

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

1012.98 School Community Professional Development Act.—

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Interdisciplinary planning, collaboration, and instruction.

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

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

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

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

11. 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. The training must help teachers integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and sequential approach to reading instruction, including multisensory intervention strategies. Each district must provide all elementary grades instructional personnel access to training sufficient to meet the requirements of s. 1012.585(3)(f).

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

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

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

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

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

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

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

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. ~~In order to facilitate greater collaboration in the application process, 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 shall review and provide feedback as to material deficiencies in the application by July 1. The applicant shall then have until~~

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

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

2. In order to ensure fiscal responsibility, an
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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procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant shall have 15 calendar days after notice of rejection in which to resubmit an appeal that meets the requirements set forth in State Board of Education rule. An appeal submitted subsequent to such rejection is considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application.

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

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

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

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~~requirements in paragraph (a);~~

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

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

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

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

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

~~(h) The terms and conditions for the operation of a 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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~~application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.~~

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any 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. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals ~~The major issues involving the operation of a charter school shall be considered in advance and written into the charter.~~ The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

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

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

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the ages and grades to be included.

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

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

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual 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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management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

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

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

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

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

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

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

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

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

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

(9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C" ~~of "D," a grade of "F" following two consecutive grades of "D," or a second nonconsecutive grade of "F" within a 3-year period.~~

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3. 4.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher ~~by at least one letter grade~~. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4. 5.

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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majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) ~~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. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

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

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. The letter of termination must meet the requirements of paragraph (8)(c). A charter terminated under this subparagraph must follow 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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reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are 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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church, Florida College System institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

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

(20) SERVICES.—

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

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

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

a. Up to 5 percent for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school 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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agency requirements and the charter school system meets all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Eligible student" means 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 grades 5 through 12, if it is determined by the operator that a seat is available ~~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:

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

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

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

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

5. 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.

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

1002.331 High-performing charter schools.—

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

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

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

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

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

1002.332 High-performing charter school system.—

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

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

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

2. Operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools pursuant to s. 1002.331 and no charter school earned a school grade of "D" or "F" pursuant to s. 1008.34 in any of the 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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1007.35 Florida Partnership for Minority and
Underrepresented Student Achievement.—

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

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

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

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

(6) The partnership shall:

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

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

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

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or the preliminary ACT ~~Aspire~~ testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of 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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grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign statewide, standardized end-of-course assessment scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for one fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

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

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

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

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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Statutes, is amended to read:

1011.71 District school tax.—

(2) 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,~~ to fund:

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

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

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

(d) The purchase, lease-purchase, or lease of new and replacement equipment; computer and device hardware and operating system software, ~~including electronic hardware and other hardware devices~~ necessary for gaining access to or enhancing the use of electronic and digital instructional 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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determine each charter school's capital outlay allocation.

~~(d)(2)(a)~~ The department shall calculate the eligible charter school funding allocations. Funds shall be allocated using full-time equivalent membership from the second and third enrollment surveys and free and reduced-price school lunch data. The department shall recalculate the allocations periodically based on the receipt of revised information, on a schedule established by the Commissioner of Education.

~~(e)(b)~~ The department shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's recalculated allocation.

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

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by 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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issues shall be agreed to in the charter contract prior to the expenditure of funds.

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

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

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

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

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

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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initial annual allocation.

(6)

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

a. \$17,952 for an elementary school,

b. \$19,386 for a middle school, or

c. \$25,181 for a high school,

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

2. School districts shall maintain accurate documentation related to the costs of all new construction of educational plant space reported to the Department of Education pursuant to paragraph (d). The Auditor General shall review the 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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significant financial management, school facilities construction, or related experience.

(II) One appointee of the office of the state attorney with jurisdiction over the district.

(III) One appointee of the Chief Financial Officer who is a licensed certified public accountant.

b. An appointee to the oversight committee may not be employed by the school district; be a relative, as defined in s. 1002.33(24)(a)2., of any school district employee; or be an elected official. Each appointee must sign an affidavit attesting to these conditions and affirming that no conflict of interest exists in his or her oversight role.

Section 33. Paragraphs (b) and (f) of subsection (3) and subsection (4) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

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

(b) *Four credits in mathematics.*—A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment constitutes 30 percent of the student's final course grade. A student must pass the statewide, 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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half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan.

(4) ONLINE COURSE REQUIREMENT.—At least one course within the 24 credits required under this section must be completed through online learning.

(a) An online course taken in grade 6, grade 7, or grade 8 fulfills the requirements of this subsection. The requirement is met through an online course offered by the Florida Virtual School, a virtual education provider approved by the State Board of Education, a high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets the requirement.

(b) A district school board or a charter school governing board, as applicable, may allow a student ~~offer students the 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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1003.4285 Standard high school diploma designations.—

(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) *Scholar designation*.—In addition to the requirements of s. 1003.4282, in order to earn the Scholar designation, a student must satisfy the following requirements:

1. Mathematics.—Earn one credit in Algebra II and one credit in statistics or an equally rigorous course. Beginning with students entering grade 9 in the 2014-2015 school year, pass the ~~Algebra II and~~ Geometry statewide, standardized assessment ~~assessments~~.

2. Science.—Pass the statewide, standardized Biology I EOC assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized Biology I EOC assessment.

3. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an

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AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.

4. Foreign language.—Earn two credits in the same foreign language.

5. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

Section 35. Paragraphs (c) through (f) and paragraph (g) of subsection (7) of section 1008.22, Florida Statutes, are redesignated as paragraphs (d) through (g) and paragraph (i), respectively, subsections (8) through (12) are renumbered as subsections (9) through (13), respectively, paragraphs (a), (b), and (d) of subsection (3), paragraphs (a) and (b) and present paragraph (f) of subsection (7), and paragraph (e) of present subsection (11) are amended, new paragraphs (c) and (i) are added to subsection (7), and a new subsection (8) is added to that section, to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The 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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grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. ELA assessments shall be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9) ~~(8)~~.

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

1. EOC assessments for Algebra I, Geometry, ~~Algebra II~~, Biology I, United States History, and Civics shall be administered to students enrolled in such courses as specified in the course code directory.

2. Students enrolled in a course, as specified in the course code directory, with an associated statewide, standardized EOC assessment must take the EOC assessment for

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such course and may not take the corresponding subject or grade-level statewide, standardized assessment pursuant to paragraph (a). Sections 1003.4156 and 1003.4282 govern the use of statewide, standardized EOC assessment results for students.

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

4. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved by the state board, student performance on such

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assessments constitutes 30 percent of a student's final course grade.

5. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (c).

(d) *Implementation schedule.*—

1. The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: ~~the grade 3 ELA assessment, beginning in the 2017-2018 school year;~~ the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year. Notwithstanding the requirements of this subparagraph, statewide, standardized ELA and mathematics 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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required and district-required assessments, by grade level.

(c) Beginning with the 2018-2019 school year, the spring administration of the statewide, standardized assessments in paragraphs (3)(a) and (b), excluding assessment retakes, must be in accordance with the following schedule:

1. The grade 3 statewide, standardized ELA assessment and the writing portion of the statewide, standardized ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not to exceed 2 weeks.

2. With the exception of assessments identified in subparagraph 1., any statewide, standardized assessment that is delivered in a paper-based format must be administered no earlier than May 1 each year within an assessment window not to exceed 2 weeks.

3. With the exception of assessments identified in subparagraphs 1. and 2., any statewide, standardized assessment must be administered within a 4-week assessment window that opens no earlier than May 1 each year.

Each school district shall administer the assessments identified under subparagraphs 2. and 3. no earlier than 4 weeks before the last day of school for the district.

(g)~~(f)~~ A school district must provide a student's performance results on district-required local assessments to

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the student's teachers within 1 week and to the student's parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.

(h) The results of statewide, standardized ELA and mathematics assessments, including assessment retakes, shall be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student's current teacher of record and teacher of record for the subsequent school year; however, in any case, the district shall provide the results pursuant to this paragraph within 1 week after receiving the results from the department. A report of student assessment results must, at a minimum, contain:

1. A clear explanation of the student's performance on the applicable statewide, standardized assessments.

2. Information identifying the student's areas of strength and areas in need of improvement.

3. Specific actions that may be taken, and the available resources that may be used, by the student's parent to assist his or her child based on the student's areas of strength and areas in need of improvement.

4. Longitudinal information, if available, on the 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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1012.01(2)(a), excluding substitute teachers, and all other instructional personnel, as defined in s. 1012.01(2)(b)-(d).

~~2. An analysis that compares performance evaluation results calculated by each school district to indicators of performance calculated by the department using the standards for performance levels adopted by the state board under subsection (8).~~

~~3. Data reported under s. 1012.341.~~

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

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

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the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—At least one-third of a performance evaluation must be based upon data and indicators of student performance, as determined by each school district ~~in accordance with subsection (7)~~. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.

2. Instructional practice.—For instructional personnel, at least one-third of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student 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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(7) MEASUREMENT OF STUDENT PERFORMANCE.—

(a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. A third party, independent of the assessment developer, must analyze student learning growth data calculated using the 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 formula must take into consideration each student's prior academic performance. The formula must not set different expectations for student learning growth based upon a student's gender, race, ethnicity, or socioeconomic status. In the development of the formula, the commissioner shall consider other factors such as a student's attendance record, disability status, or status as an English language learner. The commissioner may select additional formulas to measure student performance as appropriate for the remainder of the statewide, standardized assessments included under s. 1008.22 and continue to select formulas as new assessments are implemented in the state system. ~~After the commissioner approves the formula to measure individual student learning growth, the State Board of Education shall adopt these formulas in rule.~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Exhibit "A"

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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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for determining compliance with this subparagraph.

~~2. A school that includes any of grades 6, 7, or 8 shall include annually in its school improvement plan information and data on the school's early warning system required under paragraph (b), including a list of the early warning indicators used in the system, the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level that exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system. In addition, a school that includes any of grades 6, 7, or 8 shall describe in its school improvement plan the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system pursuant to s. 1012.98(4)(b)9.~~

(b) *Early warning system.*—

1. A school that serves any students in kindergarten through grade ~~includes any of grades 6, 7, or 8~~ shall implement an early warning system to identify students in such grades ~~6, 7, and 8~~ who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

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

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

c. Course failure in English Language Arts or mathematics during any grading period.

d. A Level 1 score on the statewide, standardized assessments in English Language Arts or mathematics or, for students in kindergarten through grade 3, a substantial reading deficiency under s. 1008.25(5)(a).

A school district may identify additional early warning indicators for use in a school's early warning system. The system must include data on the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level who exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

2. A school-based team responsible for implementing the requirements of this paragraph shall monitor the data from the early warning system. The team may include a school psychologist. When a student exhibits two or more early warning indicators, the team, in consultation with the student's parent, ~~shall school's child study team under s. 1003.02 or a school-based team formed for the purpose of implementing the requirements of this paragraph shall convene to determine~~

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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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employment agreement, or renewal or renegotiation of an existing contract or employment agreement, with an officer, agent, employee, or contractor which contains a provision for severance pay, the contract or employment agreement must include the provisions of s. 215.425.

(b) 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. This paragraph applies only to a collective bargaining agreement entered into or renewed by a district school board on or after the effective date of this act.

Section 39. Section 1001.4205, Florida Statutes, is created to read:

1001.4205 Visitation of schools by an individual school board or charter school governing board member.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual charter school governing board member may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board. The board member must sign in and sign out at the school's main office and wear his or her board identification badge at all times while present on school

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premises. The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any other board member, may not require the visiting board member to provide notice before visiting the school. The school may offer, but may not require, an escort to accompany a visiting board member during the visit. Another board member or a district employee, including, but not limited to, the superintendent, the school principal, or his or her designee, may not limit the duration or scope of the visit or direct a visiting board member to leave the premises. A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to a board member under this section.

Section 40. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.

Section 41. Subsections (3), (4), and (5) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school 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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determines that the school is likely to improve to a grade of "C" or higher ~~a letter grade~~ if additional time is provided to implement the existing turnaround option.

~~(5) A school that earns a grade of "D" for 3 consecutive years must implement the district-managed turnaround option pursuant to subparagraph (4)(b)1. The school district must submit an implementation plan to the department for approval by the state board.~~

Section 42. Subsection (5) and paragraph (d) of subsection (6) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(5) The commissioner shall annually report to the State Board of Education and the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall include:

(a) For each school district:

1. The percentage of students, by school and grade level, demonstrating learning growth in English Language Arts and mathematics.

2. The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English Language Arts and mathematics.

3. The information contained in the school district's 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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operates a school established pursuant to s. 1008.33(4)(b)3.,
shall be designated as a hope operator if it meets the criteria
of paragraph (a).

(3) DESIGNATION OF HOPE OPERATOR.—Initial status as a hope
operator is valid for 5 years from the opening of a school of
hope. If a hope operator seeks the renewal of its status, such
renewal shall solely be based upon the academic and financial
performance of all schools established by the operator in the
state since its initial designation.

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator
seeking to open a school of hope must submit a notice of intent
to the school district in which a persistently low-performing
school has been identified by the State Board of Education
pursuant to subsection (10).

(a) The notice of intent must include:

1. An academic focus and plan.
2. A financial plan.
3. Goals and objectives for increasing student achievement
for the students from low-income families.
4. A completed or planned community outreach plan.
5. The organizational history of success in working with
students with similar demographics.
6. The grade levels to be served and enrollment
projections.
7. The proposed location or geographic area proposed for

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the school and its proximity to the persistently low-performing school.

8. A staffing plan.

(b) Notwithstanding the requirements of s. 1002.33, a school district shall enter into a performance-based agreement with a hope operator to open schools to serve students from persistently low-performing schools.

(5) PERFORMANCE-BASED AGREEMENT.—The following shall comprise the entirety of the performance-based agreement:

(a) The notice of intent, which is incorporated by reference and attached to the agreement.

(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.

(c) An enumeration of the grades to be served in each year of the agreement and whether the school will serve children in the school readiness or prekindergarten programs.

(d) A plan of action and specific milestones for student recruitment and the enrollment of students from persistently low-performing schools, including enrollment preferences and procedures for conducting transparent admissions lotteries that are open to the public. Students from persistently low-performing schools shall be exempt from any enrollment lottery to the extent permitted by federal grant requirements.

(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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parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

(b) Any facility, or portion thereof, used to house a school of hope shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to schools of hope within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

(c) School of hope facilities are exempt from assessments 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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administrative fees withheld in violation of this subsection may recover attorney fees and costs to enforce the requirements of this subsection. A school district subject to the requirements of this section shall file a monthly report detailing the reduction in the amount of administrative fees withheld.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope are eligible to receive funds from the Schools of Hope Program.

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(a) A school of hope is eligible to receive funds from the Schools of Hope Program for the following expenditures:

1. Preparing teachers, school leaders, and specialized instructional support personnel, including costs associated with:

a. Providing professional development.

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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render a recommended decision for resolution to the State Board of Education. The recommendation may not alter in any way the provisions of the performance-based agreement under subsection (5). The special magistrate may administer oaths and issue subpoenas on behalf of the parties to the dispute or on his or her own behalf. Within 15 calendar days after the close of the final hearing, the special magistrate shall transmit a recommended decision to the State Board of Education and to the representatives of both parties by registered mail, return receipt requested. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The decision by the State Board of Education is a final agency action that may be appealed to the District Court of Appeal, First District in accordance with s. 120.68. A charter school may recover attorney fees and costs if the State Board of Education determines that the school district unlawfully implemented or otherwise impeded implementation of the performance-based agreement pursuant to this paragraph.

(d) Provide students in persistently low-performing schools with a public school that meets accountability standards. The State Board of Education may enter into a performance-based agreement with a hope operator when a school 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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no later than November 1, an official record of his or her qualifying assessment ~~SAT or ACT score~~ and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable ~~the classroom teacher scored at or above the 80th percentile based on the National Percentile Ranks in effect when the teacher took the assessment.~~ Once a classroom teacher is deemed eligible by the school district, ~~including teachers deemed eligible in the 2015-2016 fiscal year,~~ the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34 or is evaluated as highly effective based on a commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.

(c) Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:

1. Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of \$1200, including a classroom teacher who received an award pursuant to paragraph (a).

2. Was evaluated as effective pursuant to s. 1012.34 in

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the school year immediately preceding the year in which the scholarship will be awarded a scholarship of up to \$800. If the number of eligible classroom teachers under this subparagraph exceeds the total allocation, the department shall prorate the per-teacher scholarship amount.

This paragraph expires July 1, 2020.

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

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

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

(c) The name of the school principal of each eligible classroom 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.

(5) Annually, by February 1, the department shall disburse scholarship funds to each school district for each eligible classroom teacher to receive a scholarship in accordance with this section ~~as provided in the General Appropriations Act. A scholarship in the amount provided in the General Appropriations Act shall be awarded to every eligible classroom teacher. If the number of eligible classroom teachers exceeds the total~~

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~~appropriation authorized in the General Appropriations Act, the
department shall prorate the per-teacher scholarship amount.~~

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

Section 47. Section 1012.732, Florida Statutes, is created
to read:

1012.732 The Florida Best and Brightest Principal
Scholarship Program.—

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

(2) There is created the Florida Best and Brightest
Principal Scholarship Program to be administered by the
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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provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

(i) Fees for specialized summer education programs.

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

(k) Transition services provided by job coaches.

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

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

(n) Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.

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

A provider of any services receiving payments pursuant to this

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subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

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

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

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

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

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

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

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

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

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

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

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

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

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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by the American Institute of Certified Public Accountants.

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

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

(e) The parent must annually renew participation in the program. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal. However, for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the 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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pursuant to paragraph (3)(b). A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years. However, once an eligible expenditure is made pursuant to paragraph (11)(f), the student is eligible for a scholarship based on available funds.

(13) FUNDING AND PAYMENT.—

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

2. In addition, an amount equivalent to a share of the guaranteed allocation for exceptional students in the Florida Education Finance Program shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraph 3., the calculation shall be based on the student's grade, the matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and

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the 2000-2001 district cost differential for the sending district. The calculated amount must also include an amount equivalent to the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

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

Section 49. Subsection (6) is added to section 1003.455, Florida Statutes, to read:

1003.455 Physical education; assessment.—

(6) In addition to the requirements in subsection (3), each district school board shall provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 so that there are at least 20 consecutive minutes of free-play recess per day.

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This requirement does not apply to charter schools.

Section 50. Paragraph (a) of subsection (8) and subsection (11) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(8)(a) The Florida Virtual School may provide full-time and part-time instruction for students in kindergarten through grade 12. ~~To receive part-time instruction in kindergarten through grade 5, a student must meet at least one of the eligibility criteria in s. 1002.455(2).~~

~~(11) The Auditor General shall conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global. The scope of the audit shall include, but not be limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and standards; and accountability. The final report on the audit shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.~~

Section 51. Section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual 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)(c) 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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religious holidays, in accordance with the provisions of s.
1003.21(2)(b)1 ~~1003.21(2)(b)~~.

(d) Absence for treatment of autism spectrum disorder.—A
parent of a public school student may request and be granted
permission for absence of the student from school for an
appointment scheduled to receive a therapy service provided by a
licensed health care practitioner or behavior analyst certified
pursuant to s. 393.17 for the treatment of autism spectrum
disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

(3) HEALTH ISSUES.—

(m) Sun-protective measures in school.—A student may
possess and use a topical sunscreen product while on school
property or at a school-sponsored event or activity without a
physician's note or prescription if the product is regulated by
the United States Food and Drug Administration for over-the-
counter use to limit ultraviolet light-induced skin damage.

(11) STUDENTS WITH READING DEFICIENCIES.—The parent of any
K-3 student who exhibits a substantial reading deficiency shall
be immediately notified of the student's deficiency pursuant to
s. 1008.25(5) and ~~with a description and explanation, in terms~~
~~understandable to the parent, of the exact nature of the~~
~~student's difficulty in learning and lack of achievement in~~
~~reading,~~ shall be consulted in the development of a plan, as
described in s. 1008.25(4)(b); ~~and shall be informed that the~~
~~student will be given intensive reading instruction until the~~

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~~deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.~~

Section 54. Subsection (2) of section 1002.69, Florida Statutes, is amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates; state-approved prekindergarten enrollment screening; good cause exemption.—

(2) The statewide kindergarten screening shall provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1). Data from the screening, along with other available data, must be used to identify students in need of intervention and support pursuant to s. 1008.25(5).

Section 55. Subsection (3), paragraphs (a) and (c) of subsection (5), paragraph (b) of subsection (6), subsection (7), and paragraph (a) of subsection (8) of section 1008.25, Florida Statutes, are amended, paragraph (c) is added to subsection (4), to read:

1008.25 Public school student progression; student support; reporting requirements.—

(3) ALLOCATION OF RESOURCES.—District school boards shall allocate remedial and supplemental instruction resources to

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students in the following priority:

(a) Students in kindergarten through grade 3 who have a substantial deficiency ~~are deficient~~ in reading as determined in paragraph (5) (a) ~~by the end of grade 3~~.

(b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in subsection (2) ~~paragraph (2) (b)~~.

(4) ASSESSMENT AND SUPPORT.—

(c) A student who has a substantial reading deficiency as determined in paragraph (5) (a) must be covered by a federally required student plan, such as an individual education plan or an individualized progress monitoring plan, or both, as necessary.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading, ~~based upon screening, diagnostic, progress monitoring, or assessment data; locally determined or statewide assessments; conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations,~~ must be provided given intensive, explicit, systematic, and multisensory reading interventions ~~instruction~~ immediately following the identification of the reading deficiency. A school may not wait for a student to receive a 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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remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Strategies, including multisensory strategies, through a read-at-home plan the parent can ~~for parents to~~ use in helping his or her ~~their~~ child succeed in reading ~~proficiency~~.

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for a portfolio as provided in subparagraph (6)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school immediately begin collecting evidence for a portfolio.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

(6) ELIMINATION OF SOCIAL PROMOTION.—

(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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~~reading deficiency, including participation in the school district's summer reading camp as required under paragraph (a), and 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:~~

a. Integration of content-rich texts in science and social studies ~~content~~ within the 90-minute block.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. More frequent progress monitoring.

e. Tutoring or mentoring.

f. Transition classes containing 3rd and 4th grade students.

g. Extended school day, week, or year.

(b) Each school district shall:

1.2. ~~Provide written notification to the parent of a student who is retained under the provisions of paragraph (5) (b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6) (b). The notification must comply with paragraph (5) (c) the provisions of s. 1002.20(15) and must include a description of proposed interventions and supports that will be provided to the child to~~

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remediate the identified areas of reading deficiency.

~~2.3-~~ Implement a policy for the midyear promotion of a student retained under ~~the provisions of~~ paragraph (5) (b) who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

~~3.4-~~ Provide students who are retained under ~~the provisions of~~ paragraph (5) (b), including students participating in the school district's summer reading camp under subparagraph (a)2., with a highly effective teacher as determined by the teacher's performance evaluation under s. 1012.34, and, beginning July 1, 2020, the teacher must also be certified or endorsed in reading.

~~4.5-~~ Establish at each school, when applicable, an

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intensive reading acceleration course ~~Class~~ for any student
retained in grade 3 who was previously retained in kindergarten,
grade 1, or grade 2 ~~students who subsequently score Level 1 on~~
~~the required statewide, standardized assessment identified in s.~~
~~1008.22. The focus of the Intensive Acceleration Class shall be~~
~~to increase a child's reading and English Language Arts skill~~
~~level at least two grade levels in 1 school year. The intensive~~
reading acceleration course must provide the following ~~Class~~
~~shall:~~

a. Uninterrupted reading instruction for the majority of
student contact time each day and opportunities to master the
grade 4 Next Generation Sunshine State Standards in other core
subject areas through content-rich texts.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. The use of explicit, systematic, and multisensory
reading interventions, including intensive language, phonics,
and vocabulary instruction, and use of a speech-language
therapist if necessary, that have proven results in accelerating
student reading achievement within the same school year.

e. A read-at-home plan.

~~a. 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 year because of~~
~~scoring Level 1.~~

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~~b. Have a reduced teacher-student ratio.~~

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

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

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

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, science, social studies, and mathematics. The district school board must report to the parent the student's results on each statewide, standardized assessment. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, response to intensive interventions provided under paragraph (5)(a), and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the 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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1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(2)

(b) Each district school board, in accordance with rules of the State Board of Education, shall adopt policies authorizing ~~a policy that authorizes~~ a parent to request and be granted permission for absence of a student from school for:

1. Religious instruction or religious holidays.

2. An appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to s. 393.17 for the treatment of autism spectrum disorder, including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

Section 59. Subsection (4) of section 1003.24, Florida Statutes, is amended to read:

1003.24 Parents responsible for attendance of children; attendance policy.—Each parent of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. The absence of a student from school is prima facie evidence of a violation of this section; however, criminal prosecution under this chapter may not be brought against a parent until the provisions of s. 1003.26 have been complied with. A parent of a student is not responsible for the student's nonattendance at school under any of the following 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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1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

~~(c) One course in career and education planning to be completed in 6th, 7th, or 8th grade. The course may be taught by any member of the instructional staff. At a minimum, the course must be Internet-based, easy to use, and customizable to each student and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student; must emphasize the importance of entrepreneurship skills; must emphasize technology or the application of technology in career fields; and, beginning in the 2014-2015 academic year, must include information from the Department of Economic Opportunity's economic security report as described in s. 445.07. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the diploma designation options provided under s. 1003.4285; high school assessment and college entrance test requirements; Florida Bright Futures Scholarship Program requirements; state university and Florida~~

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~~College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses and courses that lead to industry certification pursuant to s. 1003.492 or s. 1008.44.~~

~~Each school must inform parents about the course curriculum and activities. Each student shall complete a personal education plan that must be signed by the student and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.~~

Section 61. Subsection (3) of section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

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

1. "Agency" means the Department of Children and Families

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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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procedures must:

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

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

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

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

Section 62. Paragraph (a) of subsection (3) of section 1006.40, Florida Statutes, is amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(3)(a) Except for a school district or a consortium of school districts that implements an instructional materials 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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time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education or a graduate degree with a major in education, leading to initial certification.

Section 64. Paragraph (a) of subsection (2) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(2)(a) The corporation shall submit an annual budget projection to the Department of Education to be included in the annual legislative budget request. The projection must be based on the cost to award up to 350 scholarships to new scholars ~~in the junior year~~ and up to 350 renewal scholarships ~~to the 350 rising seniors.~~

Section 65. Committee on Early Grade Success.—The Committee on Early Grade Success, a committee as defined in s. 20.03, Florida Statutes, is created within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment and, except as otherwise provided in this section, shall operate consistent with s. 20.052, Florida Statutes.

(1) The committee's proposal must include legislative recommendations for the design and implementation of a 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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without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(4) The committee must meet at least three times and shall meet by teleconference or other electronic means, if possible, to reduce costs.

(5) A majority of the members constitutes a quorum.

(6) The University of Florida Lastinger Center for Learning shall provide the committee with staff necessary to assist the committee in the performance of its duties.

(7) The committee shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017. Upon submission of the report, the committee shall expire.

(8) The State Board of Education may adopt rules to implement and administer this section.

Section 66. Section 1013.101, Florida Statutes, is created to read:

1013.101 Shared use agreements.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that greater public access to recreation and sports facilities is needed to reduce the impact of obesity, diabetes, and other chronic diseases on personal health and health care 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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entity which defines the roles, responsibilities, terms, and conditions for community use of a school-owned facility for recreation or other purposes.

(3) PROMOTION OF COMMUNITY USE OF SHARED FACILITIES.—The department shall provide technical assistance to school districts, including, but not limited to, individualized assistance, the creation of a shared use technical assistance toolkit containing useful information for school districts, and the development of a publicly accessible online database of shared use resources and existing shared use agreements.

Section 67. Shared Use Task Force.—The Shared Use Task Force, a task force as defined in s. 20.03, Florida Statutes, is created within the Department of Education. The task force is created to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities.

(1) The task force is composed of seven members appointed by the department, as follows:

(a) Two representatives from school districts, including one representative from school districts 1 through 33 and one representative from school districts 34 through 67;

(b) One representative from a public health department;

(c) Two representatives from community-based programs in high-need communities; and

(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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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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possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing body shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

Section 69. Section 1003.481, Florida Statutes, is created to read:

1003.481 Early Childhood Music Education Incentive Pilot Program.—

(1) Beginning with the 2017-2018 school year, the Early Childhood Music Education Incentive Pilot Program is created within the Department of Education for a period of 3 school years. The purpose of the pilot program is to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

(2) In order for a school district to be eligible for participation in the pilot program, the superintendent must 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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Best and Brightest Teacher Scholarship Program pursuant to s. 1012.731, Florida Statutes, and the Best and Brightest Principal Scholarship Program pursuant to s. 1012.732, Florida Statutes, \$30 million shall be used to implement the Gardiner Scholarship Program pursuant to s. 1002.385, Florida Statutes, and \$10 million in recurring funds and \$5 million in nonrecurring funds shall be used to implement the provisions of this act relating to statewide student assessments. The remaining funds shall be used to implement the remaining provisions of this act, except for the implementation of the Early Childhood Music Education Incentive Pilot Program, as created by s. 1003.481, Florida Statutes, the Committee on Early Grade Success, as created by section 65 of this act, and the Shared Use Task Force, as created by section 67 of this act.

Section 72. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 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.

_____ /

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.*¹

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.

§ 1013.62(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:

¹ 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

<u>Abbreviations</u> MR = Millage Revenue COA = Capital Outlay Allocation FTE = Full-time Equivalent Student ECS = Eligible Charter School	
Adjusted Discretionary MR	= Total Discretionary MR – (Debt Service as of Mar. 1, 2017 Satisfied by MR + Participation Requirement Satisfied by MR, if applicable)
COA per FTE	= $\frac{\text{Adjusted Discretionary MR}}{(\text{District Total CO FTE membership} + \text{Total Unweighted FTE for all ECS})}$
COA per CS	= COA per FTE x Total FTE for each CS
<i>If applicable:</i> Max. COA = 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 2-5.² 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 1013.62.³ As a result of the Charter School Millage Provisions, the Board estimates that for the fiscal year 2017-2018, it will be

² 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.

³ 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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