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MEMORANDUM

CONTACTS: Identified by bill section.

DPS: 2016-79

COEFO: 2016-001

DATE: June 17, 2016

TO: District School Superintendents
District Finance Officers

FROM: Hershel Lyons, Chancellor, K-12 Public Schools
Linda Champion, Deputy Commissioner, Finance and Operations

SUBJECT: Chapter 2016-237, Laws of Florida (House Bill 7029) – Statutory Revisions

House Bill 7029, codified as chapter 2016-237, Laws of Florida, revises a number of Florida Statutes related to public schools. This memorandum provides summary information and any implementation technical assistance that is known at this time. The bill text can be found at <http://laws.flrules.org/2016/237>. Unless otherwise noted, the provisions will take effect July 1, 2016.

Section 1. Membership Associations

Section (s.) 617.221, Florida Statutes (F.S.), *Membership associations; reporting requirements; restrictions on use of funds*, was created to define membership associations and allow the use of public funds to pay the membership association dues of elected and appointed public officers. If an individual public officer elects not to join the membership association, the use of public funds to pay the individual's membership association dues is prohibited.

If you have questions, please contact the Office of Funding and Financial Reporting at 850-245-0405.

Section 4. Student and Parent Rights

The bill amended s. 1002.20, F.S., *K-12 student and parent rights*, to:

- Allow parents to seek any public educational school choice options that are applicable and available throughout the state.
- Add CAPE (Career and Professional Education) digital tools, CAPE industry certifications and collegiate high school programs to the list of public educational choice options for students.
- Add the Gardiner Scholarship Program (formerly the Florida Personal Learning Scholarship Accounts Program) to the list of private educational choice options for students.
- Provide that parents have the right to an easy-to-read school financial report that indicates the average amount of money expended per student in their school. The financial report must be published in the student handbook or a similar publication.
- Provide that eligibility requirements for all students participating in high school athletic competition must allow a student to be immediately eligible in the school in which he or she first enrolls each school year, the school in which the student makes him or herself a candidate for an athletic team by

engaging in practice before enrolling or the school to which the student has transferred in accordance with s. 1006.20(2)(a), F.S. The provision for district school board approval was removed.

- Allow school districts to determine whether to provide public school students transportation to school in accordance with the controlled open enrollment provisions of s. 1002.31(2), F.S.

See sections 5 and 24 below for more information. For questions on school choice options, please contact the Office of K-12 School Choice at 850-245-0502. For questions on financial reporting and school transportation, please contact the Bureau of School Business Services at 850-245-0351.

Section 5. Controlled Open Enrollment

The bill amended s. 1002.31, F.S., *Controlled open enrollment; Public school parental choice*. Beginning by the 2017-18 school year, each district school board or charter school shall allow a parent from any district in the state whose child is not subject to a current expulsion or suspension to enroll his or her child in and transport his or her child to any public school, including a charter school, that has not reached capacity in the district, subject to the maximum class-size requirements. Students who are accepted pursuant to the district's or charter school's controlled open enrollment process shall be reported for funding pursuant to the Florida Education Finance Program (FEFP). We are aware that several districts already have similar controlled open enrollment arrangements with their neighboring districts and/or within their district. We encourage those districts to share their plans and best practices with colleagues around the state.

Preferential Treatment

Each district school board must provide preferential treatment in its controlled open enrollment process to all of the following:

1. Dependent children of active duty military personnel whose move resulted from military orders.
2. Children who have been relocated due to a foster care placement in a different school zone.
3. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
4. Students residing in the school district.

A charter school's controlled open enrollment process may provide enrollment preferences consistent with the enrollment preferences permitted under the charter school statute (s. 1002.33(10), F.S.), if such preferences are included in the charter school contract.

Controlled Open Enrollment Process

The process required to participate in controlled open enrollment must be adopted by school board rule and posted on each district's website. Changes to the process include: 1) an application process is no longer required, 2) existing academic eligibility criteria for public school choice programs pursuant to s. 1002.20(6)(a), F.S., must be maintained, 3) schools that have not reached capacity must be identified and 4) a preferential treatment policy must be adopted by the district school board. Although an application process is not required, this does not preclude a school district from having a process for parents to notify the school district of their desire to be a part of controlled open enrollment.

Each charter school shall annually post on its website the application process required to participate in controlled open enrollment.

The requirement that districts submit their controlled open enrollment plan to the department was removed from law in 2014.

Maximum Class Size

For a school that enrolls students through participation in controlled open enrollment, the calculation for compliance with maximum class size pursuant to s. 1003.03(4), F.S., is the average number of students at the school level.

School Capacity and Access

The determination of available capacity for each school must be current and identified on the district's and charter school's website. Districts may access their facilities information through the Educational Facilities Information System. In determining current capacity of each school, districts shall incorporate the specifications, plans, elements and commitments included in the educational facilities plan required by s. 1013.35, F.S. Each charter school's capacity must be consistent with its charter school contract.

Students residing in a district, including charter school students, may not be displaced by a student from another district seeking enrollment under the controlled open enrollment process. A student who transfers based on the new provisions may remain at the school chosen by the parent until the student completes the highest grade level at that school. A school district or charter school may provide transportation to students in accordance with the controlled open enrollment provisions of s. 1002.31(2), F.S.

Athletic Eligibility

A school district or charter school may not delay eligibility or otherwise prevent a student participating in controlled open enrollment or a choice program from being immediately eligible to participate in interscholastic and intrascholastic extracurricular activities. Further, a student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one of the following criteria:

1. Dependent children of active duty military personnel whose move resulted from military orders.
2. Children who have been relocated due to a foster care placement in a different school zone.
3. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
4. Authorized for good cause in district or charter school policy.

For questions on funding and class size, please contact the Office of Funding and Financial Reporting at 850-245-0405. For questions on facilities, please contact the Office of Educational Facilities at 850-245-0494. For questions on student services, please contact the Office of Student Services at 850-245-7851. For questions on charter schools, please contact the Office of K-12 School Choice at 850-245-0502.

Section 6. Voluntary Prekindergarten (VPK) Program

The bill amended s. 1002.53, F.S., *Voluntary Prekindergarten Education Program; eligibility and enrollment*, to allow children to enroll in VPK as a five-year-old, if they were not enrolled when they were four years old.

Implementing information can be found at

http://www.floridaearlylearning.com/sites/www/Uploads/files/VPK/VPK%20Eligibility%20FAQ_06-01-16_Final_ADA.pdf.

If you have questions, please contact the Office of Early Learning at 1-866-357-3239.

Section 7. Charter Schools

The bill amended s. 1002.33, F.S., *Charter schools*, as described below.

Application Process

- The bill requires all charter school applications to disclose the name of each applicant, governing board member and 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.
- The sponsor must consider this information in deciding whether to approve or deny the application.
- The currently adopted model charter school application (State Board of Education Rule 6A-6.0786, Florida Administrative Code) already requires this information.

Deferrals

- A charter applicant that has been approved by the sponsor may defer the school's opening for up to two years to provide for adequate facility planning. If exercising this option, the applicant must provide written notice of the intent to defer opening to the school's sponsor and parents of enrolled students at least 30 calendar days before the first day of school.

Admissions and Dismissals

- A charter school may not base admission or dismissal decisions on a student's academic performance.
 - Charter schools are required to describe their enrollment/admissions policies and procedures and their proposed student code of conduct as part of the charter application. Sponsors should carefully review these items at the application phase to ensure compliance with the law.
 - Charter schools may provide enrollment preference for students who attended or are assigned to a public school that in the most recent year earned a school grade of "F" or a third consecutive grade of "D."

Voluntary Closure

- Charter schools that choose to voluntarily close must make that decision at a public meeting of the governing board. The charter school must provide prior written notice of the meeting to parents and the sponsor. After the public meeting, the charter school must provide written notice of the decision to the sponsor, parents and the department within 24 hours. The notice must include the governing board's decision. If the board voted to voluntarily close, the written notice must include the reasons for closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to s. 1002.33(8)(e)-(g) and (9)(o), F.S.

Monthly Financial Statements

- Charter schools have been required to provide monthly financial statements to their sponsors since 2009. Beginning July 1, 2016, the monthly financial statements must be provided once the charter contract has been approved by the sponsor, and the sponsor is required to review the monthly financial statements to identify the existence of any conditions identified in s. 1002.345(1)(a), F.S.

Double "F" Terminations

- Charter schools that receive two consecutive grades of "F" have faced required closure since 2011. Beginning July 1, 2016, the termination of a charter contract under the "double F" provision is automatic once school grade appeals are final, unless the school meets one of the three exceptions in law. The bill removes the requirement that a sponsor provide a 90-day notice of termination.

- The sponsor must provide written notice of the termination to the charter school's governing board, principal and the department.

Funding

- Florida Education Finance Program (FEFP)
 - Sponsors (district school boards) must make 12 or 24 equal payments to charter schools based upon each school's projected annual FEFP payments, including total local and state funds described in s. 1002.33(17)(b), F.S. The funding is adjusted after the October and February full-time equivalent (FTE) surveys to reflect enrollment.
 - During a charter school's first two years of operation, the initial FEFP payments from July through October must be based upon the school's projected FTE enrollment only if the school's actual enrollment, as reported in the district's student information system on the first day of the month, is at least 75 percent of the projected enrollment. If the actual enrollment is less than 75 percent of projected enrollment, the FEFP payments must be based on the actual enrollment as reported in the district's student information system.
 - Sponsors may not delay payments to a charter school of any portion of the funds in s. 1002.33(17)(b), F.S., based upon the timing of receipt of local funds.
- Charter schools are entitled to a proportionate share of the research-based reading allocation. The research-based reading allocation within the FEFP is included in the calculation of charter school funds in the charter revenue estimating worksheet and is allocated based on weighted FTE students. Charter schools are not required to participate in the school district's reading plan.

If you have questions related to charter school applications and operations, please contact the Office of K-12 School Choice at 850-245-0502. For questions on charter school funding and financial reporting, please contact the Office of Funding and Financial Reporting at 850-245-0405.

Section 8. High-Performing Charter Schools

The bill amended s. 1002.331, F.S., *High-performing charter schools*. A high-performing charter school, as designated under this section of law, must continue to meet the eligibility criteria in law to maintain its high-performing status. If a high-performing charter school receives a school grade or an audit that results in the school no longer meeting the eligibility criteria, the Commissioner of Education will remove the school's high-performing designation and provide written notice to the school and sponsor.

If you have questions, please contact the Office of K-12 School Choice at 850-245-0502.

Section 13. Online Course Requirement

The bill amended s. 1003.4282, F.S., *Requirements for a standard high school diploma*, to add that a district school board or a charter school governing board may offer students two additional options to satisfy the online course graduation requirement.

A student may satisfy this requirement with completion of a course in which a student earns a nationally recognized industry certification in information technology that is identified on the [Career and Professional Education Act \(CAPE\) Industry Certification Funding List](#) (s. 1008.44, F.S.) or passage of the information technology certification examination without enrollment in or completion of the corresponding course(s). Currently, there are 47 industry certifications that will satisfy this requirement identified in the primary career cluster area on information technology on the 2015-16 CAPE Industry Certification Funding List. The State Board of Education will adopt the 2016-17 CAPE Industry Certification Funding List by fall 2016.

There are other eligible industry certifications students may earn in career and technical education (CTE) information technology courses that appear on the CAPE Industry Certification Funding list that do not have a primary career cluster information technology assignment. In order to expand school district options of viable industry certifications, we recommend visiting the [CTE Information Technology](#) website to identify courses/programs categorized as information technology. Should a student earn any other industry certification on the CAPE Industry Certification Funding List resulting from enrollment in a CTE information technology course, then that eligible industry certification would satisfy the online course graduation requirement.

In addition, a student may satisfy this requirement with passage of an online content assessment by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes without enrollment in or completion of the corresponding course(s). The type of online content assessments that may be utilized is determined by each school district. A CAPE Digital Tool certificate does not satisfy this requirement.

If a student chooses to take an online course to satisfy this requirement, then 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.

If you have questions related to CAPE Industry Funding List, please contact the Division of Career and Adult Education at 850-245-9030. For questions related to the Florida Course Code Directory, please contact the Office of Articulation at 850-245-0427. For questions related to standard high school graduation requirements, please contact the Office of Student Services at 850-245-7851.

Section 14. Charter Schools Capital Outlay

The bill amended s. 1013.62, F.S., *Charter schools capital outlay funding*, as described below.

Eligibility Criteria

- One of the charter school eligibility requirements to receive capital outlay funding is qualifying on one of five criteria. The criterion of having been in operation for three or more years was revised to having been in operation for two or more years.
- The eligibility requirement of stability for future operation was clarified as having an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1), F.S., for the most recent fiscal year for which audit results are available.

Allocations

- The allocation process that prioritized charter schools that were receiving capital outlay funding in the 2005-06 fiscal year was removed.
- The law now provides weighted capital outlay funding for charter 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 school lunch.
 - 25 percent or more of the school's students are students with disabilities.
- Schools that meet one of the above criteria receive capital outlay funding weighted at 1.25.
- Schools that meet both of the above criteria receive capital outlay funding weighted at 1.5.
- Eligible schools that do not meet the above criteria receive capital outlay funding weighted at 1.0.

If you have questions, please contact the Fixed Capital Outlay Office at 850-245-9244.

Section 15. Special Facility Construction Account and Cost of Construction

Section 1013.64, F.S., *Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects*, was revised to modify the statutory authority and requirements related to the Special Facility Construction Account (SFCA), to revise provisions related to limits on student station construction costs and to direct that reports regarding studies of the cost-per-student-station construction amounts and the *State Requirements for Educational Facilities* (SREF) be provided to the governor and legislative leadership.

Special Facility Construction Account

Section 1013.64(2), F.S., establishes the SFCA as part of the Public Education Capital Outlay (PECO) Trust Fund to provide construction funds to school districts that have urgent construction needs but presently lack sufficient resources to address them and cannot reasonably raise the needed funds in the next three years. The bill revises SFCA participation requirements and the application and review process.

- *Participation requirement.* – A district may not receive SFCA funding for more than one project in any three-year period or while any portion of its participation requirement remains outstanding.
 - A district’s participation requirement is equivalent to all unencumbered and future revenue acquired in the initial year of appropriation and for the two years immediately following the initial appropriation from the Capital Outlay and Debt Service (CO&DS) Trust Fund, PECO new construction funding and the levy of discretionary local capital improvement millage or equivalent amount of the school capital outlay sales surtax.
 - A participating district school board must adopt a resolution to acknowledge its commitment to satisfy its participation requirement, which no longer must be satisfied within a three-year period.
 - A participating district shall be required to budget annually no more than the value of 1.0 mill of its discretionary capital improvement millage or equivalent school capital outlay sales surtax to meet its participation requirement until such participation requirement is satisfied.
 - Beginning in the 2019-20 fiscal year, a district seeking a project must have levied the maximum discretionary capital improvement millage against its nonexempt assessed property value, or an equivalent amount of revenue from the school capital outlay sales surtax, for a minimum of three years prior to the request. A district with an approved project must continue the levy for the period necessary to meet its participation requirement.

- *Application Process and Review.* – Prior to developing construction plans for a proposed SFCA project, a district school board must request a preapplication review by the Special Facility Construction Committee or the project review subcommittee. Although a district may request a preapplication review at any time, only a preapplication received prior to February 1 can be included in the department’s next annual capital outlay legislative budget request.
 - The project review subcommittee must review a district’s request within 90 days of receipt and must consider the capital outlay enrollment projections prepared by the education estimating conferences when determining critical need.
 - The proposed project must be recommended in the most recent survey or survey amendment jointly prepared by the district and the department. If a district employs a consultant in the preparation of a survey or survey amendment, the consultant may not be employed by or receive compensation from a third party that designs or constructs a project recommended by the survey.
 - The district must certify final phase III plans as complete and in compliance with the building and life safety codes by June 1 of the year in which application is made in order for the project to be considered by the SFCA committee.

- *SFCA Committee.* – The bill codifies the department’s long-standing practice to chair the committee and to convene the subcommittee. The bill authorizes the committee to approve project cost overruns necessitated by a disaster, as defined in law, or by unforeseeable circumstances beyond the district’s control, as determined by the committee.

Cost of Construction

Under current law, s. 1013.64(6), F.S., limits the cost of school district capital outlay new construction projects funded with CO&DS, PECO and discretionary local capital improvement millage to statutory maximums. School districts that report new construction projects exceeding the maximums must provide reasons for the overage to the department. Currently, the department must report each school district’s spending in excess of the cost per student station to the governor and legislative leadership by December 31 of each year. The bill removes this annual reporting requirement for the department and establishes the following new requirements:

- *Review by Auditor General.* – The bill maintains the requirement for school districts to report the cost of new construction to the department and clarifies that school districts must also maintain accurate documentation related to the costs of all new construction reported to the department. The department must provide the districts’ cost of construction reports to the Auditor General, who must review the districts’ documentation to verify compliance with construction cost limits as part of operational audits. The department will make a final determination of compliance based on the Auditor General’s recommendation.
- *Cost limits apply to all capital outlay funds for new construction projects.* – For all new construction initiated on or after July 1, 2017, school districts must apply the student station cost limits to all new construction projects, regardless of the capital outlay revenue source. The legislation reiterates that the Auditor General’s review of documentation submitted to the department by school districts to verify compliance with cost construction limitations will include a review of funds from all funding sources.
- *Sanctions for noncompliance.* – If the Auditor General determines a district has exceeded the limits for new construction initiated by a district on or after July 1, 2017, the bill provides for sanctions that include the loss of eligibility for PECO allocations for a three-year period and supervision by a district capital outlay oversight committee. The capital outlay oversight committee comprises appointees of the Commissioner of Education, the office of the state attorney with jurisdiction and the Chief Financial Officer, none of whom may be a school district employee or relative, or an elected official. Sanctions do not apply if the Auditor General determines that a new construction costs overage is de minimis or due to extraordinary circumstances beyond the control of the district.

Construction Cost Studies and Reports

The bill requires the following reviews and reports:

- The Office of Economic and Demographic Research, in consultation with the department and industry experts, must study student station construction costs using current data for classrooms, core facilities and specialty spaces, and report to the governor and legislative leadership by January 31, 2017.
- The Office of Program Policy Analysis and Government Accountability, in consultation with the department, must review the SREF to identify modifications to reduce costs while ensuring student safety and to recommend whether the SREF should be retained in a report to the governor and legislative leadership by January 31, 2017.

If you have questions, please contact the Office of Educational Facilities at 850-245-0494.

Section 16. The Florida Virtual School

The bill amended s. 1002.37, F.S., *The Florida Virtual School*. Currently, the definition of an FTE for a student who successfully passes a virtual course is provided in ss. 1002.37(3)(a), F.S., and 1011.61(1)(c)1.b.(V), F.S. The redundant definition in s. 1002.37(3)(a), F.S., was removed.

The provision in s. 1002.37(3)(a)3., F.S., requiring an FTE adjustment, beginning in 2016-17, when a student does not successfully pass an end-of-course assessment required to earn a high school diploma, was removed.

If you have questions, please contact the Bureau of PK-12 Education Information and Accountability Services at 850-245-0400.

Section 17. Exceptional Education

The bill amended s. 1002.391, F.S., *Auditory-oral education programs*, to require each school district to add four special consideration points to the matrix of services for students who are deaf and enrolled in an auditory-oral education program beginning in the 2017-18 school year.

The Matrix of Services Handbook will be updated prior to the 2017-18 school year. Local Florida Diagnostic and Learning Resources System (FDLRS) Associate Centers will provide professional development on completing the Matrix. For more information regarding training, contact your local FDLRS Center by using the “find a center” feature in the top left corner of the www.fdlrs.org website.

If you have questions, please contact the Bureau of Exceptional Education and Student Services at 850-245-0475.

Section 18. Virtual Instruction Programs

The bill amended s. 1002.45, F.S., *Virtual instruction programs*. The provision in s. 1002.45(7)(e), F.S., requiring an FTE adjustment, beginning in 2016-17, when a student does not successfully pass an end-of-course assessment required to earn a high school diploma, was removed.

If you have questions, please contact the Bureau of PK-12 Education Information and Accountability Services at 850-245-0400.

Sections 19. and 30. Classroom Transfers

The bill created s. 1003.3101, F.S., *Additional educational choice options*, requiring each school district board to establish a process for a parent to request that his or her child be transferred to another classroom teacher. A school must approve or deny the transfer within two weeks after receiving the request.

Additionally, s. 1012.42, F.S., *Teacher teaching out-of-field*, was amended to require school districts to report out-of-field teachers on the district’s website within 30 days before the beginning of each semester. A parent of a student assigned an out-of-field teacher may request that the child be transferred to an in-field teacher. School districts are required to approve or deny requests and transfer students to a different classroom teacher within two weeks if the school employs an in-field teacher for the course or grade level and the transfer does not violate maximum class-size provisions.

Both ss. 1003.3101 and 1012.42, F.S., require that schools notify parents of transfer requests that are denied, along with reasons for the denial. An explanation of the transfer process must be included in the student handbook or similar publication, and this does not give parents the right to choose a specific teacher.

If you have questions, please contact the Office of Student Services at 850-245-7851.

Section 20. Credit Acceleration Program (CAP)

The bill amended s. 1003.4295, F.S., *Acceleration options*, to add two other options for a student to earn high school credit via the CAP. Presently, a student who is not enrolled in the course or who has not completed the course may earn high school credit in Algebra I, Algebra II, Geometry, U.S. History or Biology I if the student passes the statewide, standardized end-of-course assessment.

The changes allow a student to earn high school credit through the passage of an Advanced Placement (AP) examination or a College Level Examination Program (CLEP) examination. If a student attains a passing score on an AP or CLEP examination, then the school district is required to award course credit to the student who is not enrolled or who has not completed the course. The CAP continues to apply to the statewide, standardized end-of-course assessments. A school district shall permit a public school or home education student who is not enrolled in the course, or who has not completed the course, to take the assessment or examination during the regular administration of the assessment or examination.

The 2016-17 FASTER User Manual and the 2016-17 Automated Student Information Database will reflect revisions related to both the online course requirement and the CAP.

If you have questions, please contact the Office of Student Services at 850-245-7851.

Section 22. High School Athletics

The bill amended s. 1006.15, F.S., *Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation*, to:

- Allow home education and virtual education students to participate according to the controlled open enrollment provisions of s. 1002.31, F.S.
- Allow charter school students to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could attend.
- Define the term “eligible to participate” to include, but not be limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice or contests.
- Allow a transfer student to be eligible to join an existing interscholastic or intrascholastic team immediately if all other eligibility criteria are met. A student is not allowed to participate in the same sport at another school during that school year unless specific criteria are met.

If you have questions, please see section 24 for contact information.

Section 23. High School Athletics

The bill created s. 1006.195, F.S., *District school board, charter school authority and responsibility to establish student eligibility regarding participation in interscholastic and intrascholastic extracurricular activities*, to:

- Require each district school board, charter school governing board and participating private school governing authority to establish in their code of student conduct student eligibility criteria and related student disciplinary actions regarding participation in interscholastic and intrascholastic extracurricular activities.
- Designate the Florida High School Athletic Association (FHSAA) to retain jurisdiction over specific provisions in s. 1006.20, F.S., to include membership in the FHSAA, recruiting prohibitions and violations, student medical evaluations, investigations, sanctions for coaches, school eligibility and forfeiture of contests, student concussions or head injuries, sports medical advisory committee and the general operational provisions of the organization.

- Require the FHSAA to adopt and prominently publish the text of s. 1006.195, F.S., on its website and in its rules, procedures, bylaws, training and education materials and all other governing authority documents by August 1, 2016.

If you have questions, please see section 24 for contact information.

Section 24. High School Athletics

The bill amended s. 1006.20, F.S., *Athletics in public K-12 schools*, to:

- Require the FHSAA to allow a private school the option of full membership in the association or to join by individual sport. A public school may be allowed the option to apply for consideration to join another athletic association.
- Require FHSAA bylaws governing residence and transfer to allow a student to be eligible immediately at the school in which they first enroll each school year. In addition, a transfer student is eligible immediately to join an existing team if all other eligibility criteria are met.
- Include escalating penalties for recruitment violations by a school district employee or contractor who is in violation of FHSAA bylaws. A student's eligibility to participate in athletics may not be affected by alleged recruiting violations until final disposition of the allegation.

The FHSAA is the organization that oversees all Florida high school athletic programs. The FHSAA can be contacted by phone at 1-800-461-7895. Policies and procedures documents, as well as individual staff contact information for the FHSAA, can be found at <http://www.fhsaa.org>.

If you have questions, please contact the Bureau of Standards and Instructional Support at 850-245-0423.

Section 26. Benacquisto Scholarship Program

Section 1009.893, F.S., was revised to change the name of the Florida National Merit Scholar Incentive Program to the Benacquisto Scholarship Program.

If you have questions, please contact the Office of Student Financial Assistance at 850-410-5200.

Section 27. Schools Operating for Less than the Minimum Term

The bill amended s. 1011.61, F.S., *Definitions*. The provision in s. 1011.61(1)(a)2, F.S., pertaining to double-session schools in the definition of a full-time student was removed. The provision in s. 1011.61(1)(c)2.c., F.S., authorizing the department to determine and implement an equitable funding method of equivalent funding for schools operating under emergency conditions is maintained. Section 1011.61(1)(b), F.S., is amended to provide FTE proportionate to the amount of instructional hours for a school that operates less than the minimum requirement of 720 hours for kindergarten through grade 3, or 900 hours for grades 9 through 12.

The provisions in s. 1011.61(1)(c)1.b.(III), (IV), (V), and (VII), F.S., requiring an FTE adjustment, beginning in 2016-17, when a student does not successfully pass an end-of-course assessment required to earn a high school diploma, were removed.

If you have questions related to schools operating for less than the minimum term, please contact the Office of Funding and Financial Reporting at 850-245-0405. For questions related to deletion of the FTE adjustment provision, please contact the Bureau of PK-12 Education Information and Accountability Services at 850-245-0400.

Section 28. Exceptional Student Education (ESE) Guaranteed Allocation/Dual Enrollment/CAPE Funding/Federally Connected Student Supplement

The bill amended s. 1011.62, F.S., *Funds for operation of schools*, to revise several provisions related to the funding of school operations, including:

Calculation of ESE Guaranteed Allocation Following October FTE Survey

Section 1011.62(1)(e)2., F.S., is amended, requiring recalculation of the ESE Guaranteed Allocation once during the fiscal year in the Third FEFP calculation following the October FTE student membership survey. The calculation will be adjusted based on actual October enrollment. If the calculated amount is higher than the appropriation, the total will be prorated to the appropriation based on each district's share of the total recalculated amount.

Dual Enrollment and CAPE Industry Certifications

Under current law, an industry certification that is earned through dual enrollment does not earn additional FTE in the FEFP. Section 1011.62(1)(o)1.b., F.S., is amended so that industry certifications that are not included on the postsecondary certification funding list and are earned through dual enrollment courses receive CAPE bonus FTE in the same manner as non-dual enrollment course industry certifications. Also, industry certifications earned through dual enrollment with a nonpublic postsecondary institution earn additional FTE.

Teacher Salary Bonus

The teacher salary bonus authorized in s. 1011.62(1)(o)1.b., F.S., was revised for each teacher who provided instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2, 0.3, 0.5 and 1.0, to the following:

- \$50 for the attainment of an industry certification with a weight of 0.2,
- \$75 for the attainment of an industry certification with a weight of 0.3, and
- \$100 for the attainment of an industry certification with a weight of 0.5 or 1.0.

The maximum award that can be earned by a teacher for CAPE industry certifications is increased from \$2,000 to \$3,000.

Federally Connected Student Supplement

The Federally Connected Student Supplement is permanently established in s. 1011.62(13), F.S., and student eligibility is clarified.

If you have questions related to the ESE Guaranteed Allocation or the Federally Connected Student Supplement, please contact the Office of Funding and Financial Reporting at 850-245-0405. For questions related to the CAPE Industry Certifications earned through dual enrollment, please contact the Bureau of Budget, Accountability and Assessment at 850-245-9002.

Section 31. Professional Education Competence for Charter Schools

The bill amended s. 1012.56, F.S., *Educator certification requirements*, to clarify that a charter school may develop and maintain a professional development system for its instructional employees to demonstrate Professional Education Competence (PEC) as a requirement for issuance of a Professional Educator's Certificate. A charter school must base its approved PEC program on classroom application of the Florida Educator Accomplished Practices and align the PEC program with its evaluation system established under s. 1012.34, F.S.

Charter schools should contact the Bureau of Educator Recruitment, Development and Retention at 850-245-0435 for details on the development and approval of a professional development system, including the PEC program.

Section 32. Youth Suicide Awareness and Prevention

The bill created s. 1012.583, F.S., *Continuing education and inservice training for youth suicide awareness and prevention*, to require the department, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, to develop a list of approved youth suicide awareness and prevention training materials that may be used for training for K-12 instructional personnel. Approved training must include identification of appropriate mental health services and how to refer students and families for those services. Training may include materials already being used by a school district if materials meet department criteria, as well as programs instructional personnel can complete through self-review. A school that chooses to incorporate two hours of approved training for all instructional personnel shall be designated as a "Suicide Prevention Certified School." Training shall be part of the existing inservice training requirements for instructional personnel and may not add to the total hours currently required by the department. Participating schools must report participation to the department.

If you have questions, please contact the Office of Student Services at 850-245-7851.

Sections 33. and 34. Educator Misconduct

The bill amended s. 1012.795, F.S., *Education Practices Commission; authority to discipline*, to:

- Add the FHSAA to the list of organizations required to report specified misconduct by certified educators.
- Create a basis for the Education Practices Commission to take action on the educator certificate of an educator who committed a third recruiting offense as determined by the FHSAA.

The bill amended s. 1012.796, F.S., *Complaints against teachers and administrators; procedure; penalties*, to:

- Require department staff to advise the Commissioner of Education of all referrals submitted by the FHSAA.
- Remove the commissioner's option to offer a deferred prosecution agreement in FHSAA third offense recruiting violations.
- Require all sanctions imposed be in addition to, not in lieu of, those penalties required for a third recruiting offense pursuant to s. 1006.20(2)(b), F.S.

If you have questions about educator misconduct, please contact the Office of Professional Practices Services at 850-245-0438.

Section 35. Educational Facility Construction Flexibility

The bill created s. 1013.385, F.S., *School district construction flexibility*. This section does not require district school board action. Rather, it gives district school boards the discretion to implement alternate standards for a limited number of construction requirements set by section 453 of the Florida Building Code, *Building* (also known as the *State Requirements for Education Facilities* or SREF). To use one or more of the alternative standards, a district school board must fulfill certain requirements, as described below. The bill does not authorize the department to review or approve a district's use of this discretionary authority.

Alternate Standards

Section 1013.371, F.S., requires district school boards to comply with and enforce the Florida Building Code and the Florida Fire Prevention Code, and to provide the proper supervision and inspection of construction techniques and materials used in their construction projects. The bill authorizes a district school board to

implement one or more of the following exceptions to the provisions of the SREF, if the board fulfills certain conditions:

- Interior non-load-bearing walls – to permit the use of fire-rated wood stud walls in new construction or remodeling for interior non-load-bearing wall assemblies that will not be exposed to water or located in wet areas;
- Walkways, roadways, driveways and parking areas – to permit the use of designated, stabilized and well-drained gravel or grassed areas for student parking;
- Standards for relocatables used as classroom space – to permit installation of relocatable buildings without covered walkway connections to permanent buildings; and
- Building and site lighting – to permit construction without provision of lighting for gravel or grassed auxiliary or student parking areas; the use of timers set to provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps and walkways from the exterior of a building to a public walkway, and at building entrances and exits only during periods when the site or building is occupied; and the use of an illumination standard of one footcandle, rather than two footcandles, at single-door exits.

Cost-Benefit Analysis

Prior to considering the use of one or more of the alternate standards in a construction project, a district school board must conduct a cost-benefit analysis. The cost-benefit analysis must be prepared according to a professionally accepted methodology and must demonstrate that the implementation of the alternate standard will not compromise student safety or the quality of instruction. The cost-benefit analysis must also describe how each alternate standard selected by the district school board will:

- Achieve cost savings;
- Improve the efficient use of school district resources; and
- Impact the life-cycle costs and the life span for each facility to be constructed.

School Board Resolution

A district school board that wishes to apply the construction flexibility authorized by the bill must adopt a resolution to implement the alternate standard or standards. Prior to voting on the resolution, the district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and the cost-benefit analysis. The workshop must begin no earlier than 5:00 p.m., and may be held at the same meeting at which the resolution will be voted upon. The district school board must consider the resolution at a public meeting that begins no earlier than 5:00 p.m., and must pass the resolution by a supermajority vote.

If you have questions, please contact the Office of Educational Facilities at 850-245-0494.

Section 36. Voluntary Prekindergarten (VPK) Readiness Rate

The bill freezes current VPK readiness rates through the 2015-16 school year. VPK providers on probation due to a previous low rate remain on probation and continue implementation of their improvement plan. The VPK provider kindergarten readiness rate website can be found at <https://vpk.fldoe.org/Default2.aspx>.

If you have questions, please contact the Office of Early Learning at 1-866-357-3239.

Section 37. Reemployment of Retired Individuals

The bill amended s. 1012.33, F.S., *Contracts with instructional staff, supervisors, and school principals*, to:

- Clarify that retired individuals who are reemployed as instructional personnel must be under a one-year probationary contract as defined in s. 1012.335(1), F.S., for their initial year of reemployment.
- Allow district school boards to reemploy retirees who successfully complete the probationary contract under an annual contract as defined in s. 1012.335(1), F.S. The retiree is not eligible for a professional service contract.

This section was effective upon becoming law.

If you have questions, please contact the Bureau of Educator Recruitment, Development and Retention at 850-245-0435.

Section 39. Pledge of Allegiance

The bill amended s. 1003.44, F.S., *Patriotic programs; rules*. It removes the requirement for posting a notice in a conspicuous place to inform students of their right not to participate in the reciting of the pledge of allegiance and replaces it with the requirement that all students be informed of their right not to participate by a written notice published in the student handbook or a similar publication. Upon written request by the parent, a student may be excused from reciting the pledge, including standing and placing the right hand over the heart. The bill also removes the word “civilians” and replaces it with “unexcused students,” to read, “...unexcused students must show full respect to the flag...”

If you have questions, please contact the Bureau of Standards and Instructional Support at 850-245-0423.

Section 40. Florida Seal of Biliteracy Program

The bill created s. 1003.432, F.S., *Florida Seal of Biliteracy Program for high school graduates*, to:

- Define biliteracy as the attainment of a high level of competency in listening, speaking, reading and writing in one or more foreign languages in addition to English.
- Establish signification of biliteracy on a high school graduate’s diploma and transcript as either a Gold Seal of Biliteracy (highest level of competency) or a Silver Seal of Biliteracy (second-highest level of competency), awarded by the Commissioner of Education to high school graduates meeting the requirements.
- Provide that the purpose of program is to:
 - Encourage students to study foreign languages.
 - Certify attainment of biliteracy.
 - Provide employers with a method of identifying a biliterate individual who is seeking employment.
 - Provide a postsecondary institution with a method of recognizing a biliterate applicant who is seeking admission to the postsecondary institution.
 - Recognize and promote foreign language instruction in public schools.
 - Affirm the value of diversity, honor multiple cultures and foreign languages and strengthen the relationships between multiple cultures in a community.
- Commence the program in 2016-17 for high school graduates with a standard diploma:
 - Earning four foreign language course credits in the same foreign language with a cumulative 3.0 grade point average or higher on a 4.0 scale,
 - Achieving a qualifying score on a foreign language assessment, or
 - Satisfying alternative requirements as determined by the State Board of Education.

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- Require each school district to maintain appropriate records, provide information to the commissioner and affix the appropriate insignia to the student's diploma and transcript.
- Require the State Board of Education to adopt rules to implement this program with specified requirements.

If you have questions, please contact the Bureau of Student Achievement Through Language Acquisition at 850-245-0417.

HL/LC/he/pm

cc: Assistant Superintendents
School District Facilities Planners
Charter School Operators