



Florida School Boards Association

The voice of education in Florida.

Summary of SB 7055 – Education

HB 7055 – Education

By Rep. Diaz

AMENDS: Sections 212.1831, 213.053, 220.13, 220.1875, 1001.10, 1002.33, 1002.331, 1002.333, 1002.37, 1002.385, 1002.39, 1002.395, 1002.421, 1002.55, 1002.75, 1002.88, 1003.44, 1003.453, 1003.576, 1006.061, 1006.15, 1007.271, 1008.22, 1011.62, 1011.6202, 1011.69, 1011.71, 1012.2315, 1012.28, 1012.315, 1012.32, 1012.562, 1012.586, 1012.731, 1012.796, 1012.98, 1013.28, 1013.31, 1013.385, 1013.62, F.S.

CREATES: Sections 212.099, 212.1832, 1002.40, 1002.411, F.S.

EFFECTIVE: July 1, 2018 except as otherwise expressly provided

This bill has school board policy implications

This omnibus bill addresses a variety of issues including, but not limited to, operating and capital funding and policy, public and private school choice options, personnel, assessments, and curriculum and extracurricular activities.

Operating Funding & Policy

Funds for the Operation of Schools (Bill Section 29)

The bill amends several subsections of s. 1011.62, F.S., relating to funds for the operation of schools, as follows:

- Amends subsection (1)(f), relating to Supplemental Academic Instruction (SAI), as follows:
 - Designates these funds as an “allocation” rather than a categorical fund.
 - Provides that, beginning in the 2018-2019 fiscal year, each school district with a school earning a grade of “D” or “F” must use SAI funds to implement intervention and support strategies for school improvement and salary incentives [per s. 1012.2315(3)] or supplements [per s. 1012.22(1)(c)5.c.] that are provided through a Memorandum of Understanding (MOU) between the collective bargaining unit and the school board that addresses the selection, placement, and expectations of instructional personnel and school administrators.
 - Substantially amends current policy regarding the 300 lowest performing elementary schools to provide that each school district that has one or more of the 300 lowest-performing elementary schools based on a 3-year average of the state reading assessment data (rather than prior year data) must use that school's portion of the allocation to provide an additional hour per day of intensive reading for the students in the school.
 - Provides that students enrolled in these schools who earned a level 4 or level 5 score (rather than only those with a level 5 score) on the English Language Arts assessment for the previous school year may participate in the extra hour of instruction.
 - Deletes the requirement that the additional hour of be provided beyond the regular school day and authorized the hour to be provided within the school day.
 - Deletes the calculation formula that provides additional SAI funds to districts that must provide the additional hour of reading instruction.
 - Relocates an existing provision so include drop-out prevention programs in the list of allowable uses of funds by all other schools.
- Amends subsection (1)(o), relating to bonuses awarded for successful completion of career-themed courses, to provide that a bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher.

- Amends subsection (1)(t), relating to State Board of Education (SBE) rules relating FEFP funding, to authorize the SBE to adopt rules establishing criteria under which a student's industry certification or grade may be rescinded.
- Amends subsection (6)(b), relating to transferring categorical funding to be used for other critical needs, as follows:
 - Provides that a school board may approve the transfer of categorical funds to maintain specified academic classroom instruction or improve school safety.
 - Removes funds for safe schools and funds for SAI from the list of sources of funding that may be transferred.
- Amends subsection (9)(a),(c), and (d), relating to the reading allocation as follows:
 - Revises provisions relating to the additional hour of reading instruction to conform with changes made to the SAI allocation (as outlined above).
 - Requires that only certified or reading endorsed personnel are used to teach summer reading camps.
 - Requires that any supplemental instructional materials purchased with reading allocation funds must be identified by the office of Just Read! Florida.
 - Provides that, beginning in the 2020-2021 school year, the district's reading plan must include provisions requiring that interventions are delivered by a teacher who is certified or endorsed in reading and incorporate strategies identified by the Just Read! Florida Office.

Title I Funding (Bill Section 31)

The bill amends subsection (5) of s. 1011.69, F.S., relating to equity in school-level funding as follows:

- Provides that, in addition to schools above the 75% poverty threshold, high schools above the 50% poverty threshold may be eligible to receive Title I funds.
- Raises, from 8% to 10%, the level of Title I funding that a school district may withhold for administration, which includes the districts indirect cost.
- Adds that a school district may withhold up to 1% of Title I funding to provide educational services in accordance with the approved Title I plan.
- Provides that any funds provided by an eligible school to participate in discretionary educational services provided by the school district are not subject to the requirements of this subsection of the law.
- Provides that any funds carried forward by the school district are not subject to the requirements of this subsection of law.

Capital Outlay Funding & Policy

District School Tax (Bill Section 32)

The bill amends subsection (2) of s. 1011.71, F.S., relating to the district discretionary capital outlay millage authority, to provide that, if payments under lease-purchase agreements in the aggregate, including lease-purchase agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the millage levied under this subsection, the district school board may not withhold the administrative fees from any charter school operating in the school district.

Surplus Tangible Personal Property (Bill Section 42)

The bill amends subsection (2)(a) of s. 1013.28, F.S., relating to disposal of property, to provide that tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board must be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without the written permission of the school district.

Voter Approved Funds (Bill Section 43)

The bill amends subsection (1) of s. 1013.31, F.S., relating to the educational plant survey, to codify current practice as follows:

- Adds new language to provide that a district may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:
 - The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;
 - If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;
 - One-half cent sales surtax revenue;
 - One cent local governmental surtax revenue;
 - Impact fees; and
 - Private gifts or donations.

Construction Flexibility (Bill Section 44)

The bill amends subsection (2)(e) of s. 1013.385, F.S., relating to school district construction flexibility, to provide that, in addition to the existing authority to seek building code exceptions for interior non-load-bearing walls, walkways, roadways, driveways, parking areas, relocatable classrooms, and site lighting, a school board, by resolution, may seek exceptions to any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school [per s. 1002.33(18)] so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Charter School Capital Outlay (Bill Section 45)

The bill amends subsections (1), (3), and (5) of s. 1013.62, F.S., relating to charter school capital outlay funding, as follows:

- For the 2018-2019 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2018-2019 General Appropriations Act (GAA).
- Beginning in the 2019-2020 fiscal year, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the GAA and revenue resulting from district discretionary millage if the amount of state funds is less than the average charter capital outlay funds per unweighted FTE for the 2018-2019 fiscal year multiplied by the estimated number of charter school students for the applicable fiscal year and adjusted by the change in the Consumer Price Index (CPI) from the previous fiscal year.
- School districts must distribute funds under this section by February 1 each year based on the amount of funds received by the district school board and distribute any remaining funds upon the receipt of such funds until the total amount has been distributed.
- By October 1 each year, districts must certify to the Department of Education (FDOE) the amount of debt service and participation requirement that can be reduced from the total discretionary millage. The auditor general must verify compliance during scheduled operational audits of school districts.

Public School Choice Options

Charter Schools (Bill Section 9)

The bill amends several subsections of s. 1002.33, F.S., relating to charter schools, as follows:

- Provides that a new charter school will open 18 months after the February 1 application deadline at the beginning of the school district's school year, or at a time determined by the applicant (rather than at a time agreed to by the sponsor and the applicant).
- Provides that a charter school may defer opening for 3 years (rather than 2 years) to provide time for adequate facility planning.
- Provides that the initial term of the charter contract is 5 years (rather than 4 or 5 years) and adds that the 5 year contract term excludes 2 planning years.
- Provides that a charter modification during any term may include consolidation of multiple charters into a single charter if the charters are operated under the same governing board and deletes the requirement that a consolidated charter school must be physically located on the same campus.

A charter school that is not subject to a school improvement plan and that closes as part of a consolidation must be reported by the school district as a consolidation.

- Revises the causes for nonrenewal or termination of a charter by:
 - Raising the standard for termination of a charter to require clear and convincing evidence of the grounds for termination.
 - Revising one of the causes for termination to be a “material” violation of law.
 - Removes the option for a district hearing on the nonrenewal or termination of the charter and requires the hearing to be conducted by the Florida Division of Administrative Hearings (DOAH) within 90 (rather than 60) days. The administrative law judge shall issue a final (rather than recommended) order and shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals.
- Revises enrollment limitations for specific target populations to provide that students living in a development in which a business entity provides the school facility with an appraised value of at least \$5 million (rather than \$10 million) to be used as a charter to mitigate the educational impact of new residential dwelling units. Students living in the development shall be entitled to no more than 50% of student stations in the charter school.
- Requires sponsors to provide to the FDOE by September 15 each year the total amount of funding withheld from charter schools in the prior year in administrative fees.
- Provides that, if mediation fails to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by DOAH (rather than the Charter Schools Appeal Commission). The administrative law judge has final order authority to rule on the dispute and shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals.

High Performing Charter Schools (Bill Section 10)

The bill amends s. 1002.331, F.S., relating to high-performing charter schools, as follows:

- Revises the grade requirements for a school to be designated as high-performing to provide that the school meet the existing requirement two school grades of "A" and no grade below "B" during the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years. Other requirements for the designation apply only for the most recent 2 years if the school achieves this new school grade requirement.
- Revises the authority of a high-performing charter school to increase enrollment beyond the capacity identified in the charter to provide that enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of grade level expansion must include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.
- Allows high-performing charter schools to replicate two charter schools (rather than one) in the state each year.

Private School Choice Options

Florida Sales Tax Credit Scholarship Program (Bill Section 1)

The bill creates s. 212.099, F.S., to establish an additional revenue source to fund scholarships under the Gardiner Scholarship Program [per s. 1002.385] and/or the Florida Tax Credit Scholarship (FTC) Program [per s. 1002.395] as follows:

- The program is funded by contributions to a SFO from tenants of commercial real estate that have to pay sales tax on their lease payments [per s. 212.031] in exchange for a tax credit equal to 100% of the contribution.
- The DOR shall approve allocations of tax credits on a first-come, first-served basis.
- If the total amount of credits an eligible business may take cannot be fully used within any period that a payment is due under the rental or license fee arrangement, the unused amount may be carried forward for up to 10 years.

- For 2018-2019, contributions will fund scholarships for children in foster care or whose families are within 185% of the Federal Poverty Line. In future years, dollars will serve these children after having met the needs of the Gardiner Scholarship Program that serves children with special needs.
- Eligible contributions can be made starting October 1, 2018.
- The SFO may use up to 3% of eligible contributions for administrative expenses.
- The sum of tax credits that may be approved in any state fiscal year is \$57.5 million.
- The DOR is authorized to adopt rules to administer these provisions.
- The bill provides \$150,000 to the DOR to implement the creation of this program (see Bill Section 47).

Hope Scholarship Program (Bill Sections 3, 5, and 16)

The bill creates s. 1002.40, F.S., to establish, beginning in the 2018-2019 school year, the Hope Scholarship Program to provide the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offenses, harassment, assault, battery, threat or intimidation, or fighting at school an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school as follows:

- Contingent upon available funds, and on a first-come, first-served basis, a student enrolled in a Florida public school in kindergarten through grade 12 is eligible for a scholarship if the student reported any of the incidents listed above.
- A scholarship to a student enrolled in a private school may not be made if a student is:
 - Enrolled in a public school;
 - Enrolled in specified Department of Juvenile Justice commitment programs;
 - Participating in a virtual school, correspondence school, or distance learning program that receives state funding; or
 - Receiving any other educational scholarship.
- The scholarship shall remain in force until the student returns to public school or graduates from high school, whichever occurs first.
- Upon receipt of a report of an incident, the school principal, or his or her designee, provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported to the FDOE. Within 24 hours after receipt of the report, the principal or his or her designee shall provide a copy of the report to the parent of the alleged offender and to the superintendent. Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district must notify the parent of the program and offer the parent an opportunity to enroll his or her student in another public school that has capacity or to request and receive a scholarship to attend an eligible private school. A parent who chooses to enroll his or her student in a public school located outside the district in which the student resides shall be eligible for a scholarship to transport the student.
- For each student participating in the program in a private school who chooses to participate in the statewide assessments, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide assessments.
- An eligible private school may be sectarian or nonsectarian and must comply with all requirements for private schools participating in state school choice scholarship programs, including requirements related to assessments. If a private school fails to meet these requirements, the commissioner may determine that the private school is ineligible to participate in the program.
- The FDOE must cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication and require quarterly reports by an eligible scholarship-funding organization (SFO) regarding the number of students participating in the program, the private schools in which the students are enrolled, and other information. In addition, FDOE must contract with an independent entity to provide an annual evaluation of the program that includes, among other things, reviewing the school that students transferred to or transferred from and surveying the parents of participating students. The bill appropriates \$2,000,000 to implement these FDOE requirements (see Bill Section 46).

- A parent who applies for a Hope scholarship is exercising his or her parental option to place his or her student in an eligible private school. Among other program requirements:
 - The parent must select an eligible private school and apply for the admission of his or her student and must inform the student's school district when the parent withdraws his or her student to attend an eligible private school.
 - Any student participating in the program must remain in attendance throughout the school year unless excused by the school for illness or other good cause.
 - Upon reasonable notice to the FDOE and the school district, the parent may remove the student from the private school and place the student in a public school.
 - The parent must ensure that a participating student takes the norm-referenced assessment offered by the private school and the parent may also choose to have the student participate in the statewide assessments
 - Upon receipt of a scholarship warrant, the parent must restrictively endorse the warrant to the private school for deposit into the school's account.
- An eligible SFO may establish scholarships for eligible students by:
 - Receiving applications and determining student eligibility.
 - Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon available funds.
 - Establishing a date by which the parent of a participating student must confirm continuing participation in the program.
 - Awarding scholarship funds, giving priority to renewing students from the previous year.
 - Preparing and submitting quarterly reports and submitting information in a timely manner to the FDOE.
- The maximum amount awarded to a student enrolled in an eligible private school shall be determined as a percentage of the unweighted FTE funding amount as follows:
 - 88% for a student enrolled in kindergarten - grade 5.
 - 92% for a student enrolled in grade 6 - grade 8.
 - 96% for a student enrolled in grade 9 - 12.
- The maximum amount awarded to a student enrolled in a public school located outside of the district in which the student resides shall be \$750.
- The SFO must manage the process for payment warrants, ensure payments are made no less frequently than on a quarterly basis, and ensure compliance by the student's parent.
- A SFO may use up to 3% of eligible contributions received during the state fiscal year for administrative expenses if the SFO meets certain requirements.
 - These funds may not be used for lobbying or political activity or expenses related to lobbying or political activity.
 - Up to one-third of the funds for administrative expenses may be used for expenses related to the recruitment of contributions.
- Moneys received do not constitute taxable income to the qualified student or his or her parent.
- The Auditor General must conduct an annual operational audit of accounts and records of each SFO that participates in the program, provide the commissioner with a copy of each annual operational audit performed within 10 days after the audit is finalized, and notify the FDOE of any SFO that fails to comply with a request for information.
- The Hope Scholarship Program is funded by contributions made by purchasers of motor vehicles.
 - A tax credit is created by s. 212.1832, F.S., and is available for use by a person that makes an eligible contribution.
 - The contribution is limited to a single maximum payment of \$105 per motor vehicle and may not exceed the state tax that would otherwise be collected on the purchase of the vehicle.
 - A contribution must be accompanied by an election form provided by the Department of Revenue (DOR). The form must include, at a minimum, a brief description of the Program that states: "The Hope Scholarship Program provides a public school student who was subjected to an incident of violence or bullying at school the opportunity to apply for a scholarship to attend an eligible private school rather than remain in an unsafe school environment."

- A dealer, designated agent, or private tag agent must:
 - Provide the purchaser the contribution election form.
 - Collect eligible contributions.
 - Remit to a SFO the total amount of contributions made to that SFO and also submit this information to the DOR.
 - Report to the DOR the total amount of credits granted.
- A SFO must report to the DOR the total amount of contributions received along with other specified information.
- A person who fails to remit a contribution is guilty of theft, punishable as provided in the bill.
- Any dealer, designated agent, private tag agent, or SFO that fails to timely submit reports to the DOR is subject to a penalty of \$1,000 for every month, or part thereof, the report is not provided, up to a maximum amount of \$10,000.
- The bill provides that the state is not liable for the award of, or any use of, awarded funds for Hope Scholarship Program. In addition, these provisions do not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools beyond those reasonably necessary.
- The SBE and DOE must adopt rules to administer these provisions

The bill creates s. 212.1832, F.S., relating to credit for contributions to the Hope Scholarship Program, to conform state tax laws to allow a purchaser of a motor vehicle to be granted a tax credit for eligible contributions. The bill also amends s. 213.053, F.S., relating to confidentiality and information sharing, to provide that the DOR may provide to a SFO for the Hope Scholarship Program information about a dealer and information related to differences between credits taken by the dealer and amounts remitted to the SFO. The SFO may use the information for purposes of recovering eligible contributions that were collected by the dealer but never remitted to the SFO. The SFO is bound by the same requirements of confidentiality and subject to the same penalties for a violation of the requirements as the DOR.

Reading Scholarship Accounts (Bill Section 17)

The bill creates s. 1002.411, F.S., to establish Reading Scholarship Accounts to provide educational options for students as follows:

- Eligibility is contingent upon available funds, and on a first-come, first-served basis, and:
 - Each student in grades 3 - 5 who is enrolled in a Florida public school is eligible for a reading scholarship account if the student scored below a Level 3 on the grade 3 or grade 4 English Language Arts (ELA) assessment in the prior school year.
 - English Language Learner (ELL) students enrolled in a program or receiving services that are designed to meet the instructional needs of ELL students shall receive priority.
- For an eligible student to receive a reading scholarship account, the student's parent must:
 - Submit an application to an eligible nonprofit scholarship-funding organization (SFO) by the deadline established by the SFO; and
 - Submit eligible expenses to the SFO for reimbursement of qualifying expenditures, which may include instructional materials, curriculum, tuition and fees for part-time tutoring services, fees for summer education programs, and fees for after-school education programs.
 - These materials, services, and programs must meet specified requirements.
 - The provider of the materials, services, and/or programs is prohibited from sharing, refunding, or rebating any moneys from the scholarship to the parent or student.
 - A parent, student, or provider is prohibited from billing an insurance company, Medicaid, or any other agency for the same services that are paid by the scholarship funds.
 - The parent is responsible for the payment of all eligible expenses in excess of the amount in the account and may not receive any refund or rebate of any expenditures.
- A SFO participating in the Florida Tax Credit Scholarship Program may establish reading scholarship accounts for eligible students.

- The FDOE shall have the same duties imposed by this chapter regarding oversight of scholarship programs administered by a SFO.
- By September 30, the school district must notify the parent of each eligible student of the process to request and receive a reading scholarship, subject to available funds.
- For the 2018-2019 school year, the amount of the scholarship shall be \$500 per eligible student. Thereafter, the maximum amount granted for an eligible student shall be provided in the GAA. The bill allocates \$9,700,000 to fund the scholarship accounts and \$300,000 us allocated for administrative fees. (see Bill Section 46).
 - 100% of the funds appropriated for the reading scholarship accounts must be released to the FDOE at the beginning of the first quarter of each fiscal year.
 - Upon notification from the SFO that a student is eligible for a scholarship, the FDOE must release the student's scholarship funds to the SFO for deposit into the student's account.
 - Account funds include both the awarded funds and any accrued interest.
 - The SFO may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or other means, but a student's scholarship award may not be reduced for debit card or electronic payment fees.
 - Payment of the scholarship shall be made by the SFO at least on a quarterly basis.
 - In addition to funds appropriated for scholarships, and subject to a separate appropriation, a SFO may receive not more than 3% of each scholarship for administrative expenses. Funds for administrative expenses may not be used for lobbying or political activity or expenses related to lobbying or political activity.
 - Moneys received for these scholarships do not constitute taxable income to the qualified student or his or her parent.
 - A student's scholarship account must be closed and any remaining funds shall revert to the state after denial or revocation of scholarship eligibility by the commissioner for fraud or abuse and/or three consecutive fiscal years in which an account has been inactive.
- The bill specifies that no liability shall arise on the part of the state based on the award or use of a reading scholarship account.

Gardiner Scholarship Program (Bill Section 13)

The bill amends s. 1002.385, F.S., relating to the Gardiner Scholarship Program, as follows:

- Clarifies that funds can be used on a full-time or part-time tuition or fees for enrollment in the various approved programs.
- Revises the credentials for tutors providing part-time tutoring services by adding tutors that hold a bachelor's or graduate degree in the subject area in which instruction is given.
- Adds tuition and fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage to the list of allowable uses of program funds.
- Removes various program accountability measures from this section of law and relocates in a separate section of law.

The bill appropriates \$250,000 to issue a competitive grant award (see Bill Section 46)

John M. McKay Scholarship Program (Bill Section 14)

The bill amends s. 1002.39, F.S., relating to the McKay Scholarship Program, to remove various program accountability measures from this section of law, relocate them in a separate section of law, and provide updated cross-references.

Florida Tax Credit Scholarship Program (Bill Sections 4, 6, 7, and 15)

The bill amends s. 1002.395, F.S., relating to the Florida Tax Credit (FTC) Scholarship Program, as follows:

- Provides that a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that year.

- Provides that, if a tax credit is not fully used within the specified state fiscal year, the unused amount shall be carried forward for a period not to exceed 10 years (rather than 5 years) and a credit carried forward may be used in a subsequent year after applying the other credits and unused carryovers in the order provided.
- Authorizes corporations to use credits to reduce any estimated payment.
- Allows a sales tax dealer to receive the collection allowance even though it did not remit any taxes due to the use of tax credits.
- Requires the FDOE to issue a project grant award to a state university to which participating private schools must report the scores of participating students on the nationally norm-referenced tests or the statewide assessments administered by the private school in grades 3 through 10. The bill allocates \$250,000 for this project (see Bill Section 46).
- Removes various program accountability measures from this section of law, relocates them in a separate section of law, and provides updated cross-references.

In addition, the bill amends several sections of tax law to:

- Require the DOR, upon request, to provide to a SFO a list of the 200 taxpayers with the greatest total corporate income or franchise tax due during the previous calendar year. This information may be used by the SFO only to notify the taxpayer of the opportunity to make a contribution to the FTC Scholarship Program. The SFO is bound by the same requirements of confidentiality and is subject to the same penalties for a violation as the DOR.
- Provide an exception intended to ensure that a specified tax is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.
- Provide that an eligible contribution must be made to a SFO on or before the date the taxpayer is required to file a return. If a taxpayer is approved for a credit after requesting an extension to file, the credit does not reduce the amount of tax due for purposes of the DOR's determination as to whether the taxpayer was in compliance with the requirement to pay tentative taxes. The taxpayer's noncompliance with the requirement to pay tentative taxes shall result in the revocation and rescindment of any such credit and the taxpayer will be assessed for any taxes, penalties, or interest due from the taxpayer's noncompliance.

Scholarship Program Accountability and Oversight (Bill Sections 18, 35, and 40)

The bill substantially amends s. 1002.421, F.S., relating to scholarship program accountability. The bill streamlines and consolidates accountability provisions for private schools that participate in state scholarship programs. Significant accountability provisions include the following:

- Requires participating private schools to provide to the FDOE or SFO all documentation required for a student's participation, including the private school's and student's individual fee schedule, and attendance verification, prior to scholarship payment.
- Requires participating private schools to certify that all school employees and contracted personnel with direct student contact have successfully undergone background screening.
- Requires each owner or operator of the private school, prior to employment or engagement to provide services, to undergo level 2 background screening with the cost to be borne by the owner or operator and provides that an owner or operator who fails the level 2 background screening is not eligible to participate in a scholarship program.
- Requires participating private schools to maintain a physical location in the state at which each student has regular and direct contact with teachers.
- Requires participating private schools to publish on the school's website, or provide in a written format, information for parents regarding the school including, but not limited to, programs, services, and the qualifications of classroom teachers.
- Requires participating private schools to provide the parent of each scholarship student with a written explanation of the student's progress on a quarterly basis.
- Provides that the owner or operator of a private school that has been deemed ineligible to participate in a scholarship program may not transfer ownership or management authority of the school to a relative in order to participate in a scholarship program.

- Requires a private school that receives more than \$250,000 in funds from state school choice scholarships in a state fiscal year to provide a report from an independent certified public accountant who performs the agreed-upon procedures specified in law.
- Provides that, if a private school fails to meet the requirements of this section of law or has consecutive years of material exceptions listed in the report, the commissioner may determine that the private school is ineligible to participate in a scholarship program.
- Requires FDOE to establish a toll-free hotline that provides parents and private schools with information on participation in the scholarship programs.
- Requires FDOE to establish a process by which individuals may report any violation by a parent, private school, or school district of state laws relating to program participation.
- Requires the FDOE to coordinate with the entities conducting the health inspection for a private school to obtain copies of the inspection reports.
- Requires the FDOE to conduct site visits to private schools entering a scholarship program for the first time and specifies that beginning with the 2019-2020 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the school is in compliance with all other requirements of this section.
- Requires the FDOE to coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools and specifies that the authority conducting the fire safety inspection must certify to the State Fire Marshal that the annual inspection has been completed and that the school is in full compliance.
- Provides that annually, by December 15, the FDOE must report to the Governor, the President of the Senate, and the Speaker of the House its actions in implementing accountability in the scholarship programs.
- Provides circumstances under which the Commissioner must or may deny, suspend, or revoke a private school's participation in a program and provides a process for review and appeal.
- Modifies the requirement for the SBE to adopt rules to specify that such rules must include a deadline for private school applications for participation and timelines for the DOE to conduct site visits.

The bill appropriates \$950,000 to the FDOE to implement the additional oversight requirements of these provisions (see Bill Section 46).

Personnel Issues

Collective Bargaining (Bill Section 33)

The bill adds subsection (4)(c) of s. 1012.2315, F.S., relating to collective bargaining, to provide as follows:

- An employee organization that has been certified as the bargaining agent for a unit of instructional personnel as defined in s. 1012.01(2) must include for each such certified bargaining unit the following information in its application for renewal of registration:
 - The number of employees in the bargaining unit who are eligible for representation by the employee organization.
 - The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.
- Notwithstanding the provisions of chapter 447, an employee organization whose dues paying membership is less than 50% of the employees eligible for representation in the unit must petition the Public Employees Relations Commission (PERC) for recertification as the exclusive representative of all employees in the unit within 1 month of the application for renewal.
- If an employee organization does not comply with these provisions, their certification will be revoked.

Principal Autonomy Program Initiative (Bill Sections 30, 33, and 34)

The bill amends s. 1011.6202, F.S., relating to the Principal Pilot Autonomy Program Initiative, as follows:

- Expands the Principal Autonomy Program Initiative (PAPI) from a pilot program to a statewide program, retains the existing participation requirements, and retains the existing list of statutes and rules that must be complied with regardless of participation in the program.
- Provides that, beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a district school board may submit, no later than December 1, to the SBE a principal autonomy proposal that exchanges statutory and rule exemptions for an agreement to meet performance goals established in the proposal.
- If approved by the SBE, the school district is eligible to participate in the program for 3 years and may remain exempt from rules and statutes beyond the term of the program so long as the school receives no grade lower than a "B".
- Requires the principal of each participating school and a designated leadership team selected by the principal to engage in professional development by completing a nationally recognized school turnaround program which focuses on improving leadership, instructional infrastructure, talent management, and differentiated support and accountability.
- Creates District Innovation Academies and Zones in which:
 - The school board may authorize highly effective principals who have received the professional development training to manage multiple schools within a zone.
 - A zone may include the school at which the principal is assigned, persistently low-performing schools, feeder pattern schools, or a schools identified by the school district.
 - The principal may allocate resources and personnel between the schools under his or her administration.
- Provides that, subject to appropriation, the FDOE shall fund for the costs of the PAPI program to include the administrative and enrollment costs for the nationally recognized school turnaround program and up to \$10,000 for each participating principal as an annual salary supplement for 3 years. To be eligible for a salary supplement, a participating principal must:
 - Be rated "highly effective" as determined by the principal's performance evaluation.
 - Be transferred to a school that earned a grade of "F" or two consecutive grades of "D", or manage a persistently low-performing school and provided additional authority and responsibilities [per s. 1012.28(8)]; and
 - Have implemented a turnaround option at a school as the school's principal that resulted in the school improving by at least one letter grade while he or she was serving as the school's principal.
- Removes the requirement for school boards to include the budgets of schools participating in PAPI to the SBE.
- The bill also amends s. 1012.2315, F.S., relating to collective bargaining, by adding subsection (4)(b) to provide that, before the start of the 2019-2020 school year, each school district and the certified collective bargaining unit for instructional personnel must negotiate a memorandum of understanding that addresses the selection, placement, and expectations of instructional personnel and provides school principals with the autonomy for the PAPI [per s. 1012.28(8)].

Background Screening (Bill Section 36)

The bill amends s. 1012.32, F.S., relating to qualifications of personnel, to require a district school board to reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board members or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

School Leader Preparation Programs (Bill Section 37)

The bill amends s. 1012.562, F.S., relating to school leader preparation programs, to provide that, in addition to postsecondary institutions and school districts, charter schools and charter management organizations may apply to establish Level 1 and Level 2 school leader preparation programs.

Educator Certification (Bill Section 38)

The bill amends s. 1012.586, F.S., relating to additions or changes to certificates, to require FDOE to include in their review of existing subject coverage or endorsement requirements in the elementary reading and exceptional student educational areas the consideration of an endorsement to an individual who holds a certificate issued by an internationally recognized organization that establishes standards for providing evidence-based interventions to struggling readers or who completes a post-secondary program that is accredited by such an organization. Any such certificate or program must require an individual who completes the certificate or program to demonstrate competence in reading intervention strategies through clinical experience.

Best and Brightest Teacher Scholarship (Bill Section 39)

The bill amends s. 1012.731, F.S., relating to the Best and Brightest Teacher Scholarship Program, to provide that a school district employee who is no longer a classroom teacher may receive an award if the employee was a classroom teacher in the prior school year, was rated highly effective, and met the program requirements a classroom teacher.

Disqualification and Complaints (Bill Sections 35 and 40)

The bill amends s. 1012.315, F.S., relating to disqualification from employment, to provide that employees are disqualified from teaching in state scholarship programs if convicted of specified offences. The bill also amends s. 1012.796, F.S., relating to complaints against teachers and administrators, to include scholarship programs as an entity that must file a complaint to FDOE if allegations arise against a certified employee.

Professional Development (Bill Section 41)

The bill amends s. 1012.98, F.S., relating to professional development, to provide that FDOE professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills for each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills.

Assessment and Accountability

Marjory Stoneman Douglas High School (Bill Section 50)

The bill creates an unnumbered section of law to provide the following exemptions from, and exceptions to, state assessment and accountability requirements for Marjory Stoneman Douglas High School and its students for the 2017-2018 school year:

- Exempts the students enrolled in the school from taking the statewide assessments and from the use of assessment results for course grades. However, the school must administer any assessments for any student who chooses to take them.
- Exempts students who are in the 2017-2018 graduating class from the minimum hours of instruction requirement and from being required to use certain assessments to earn a standard high school diploma and to earn standard high school diploma designations.
- Provides that the school grade of "A" earned by the school for the 2016-2017 school year shall be used for the 2017-2018 school year to maintain eligibility for designation as a School of Excellence and to award of school recognition.

Student Assessment Program (Bill Section 28)

The bill amends s. 1008.22, F.S., relating to the student assessment program, as follows:

- Provides that reading passages and writing prompts for English Language Arts (ELA) assessments must incorporate grade-level core curricula content from social studies.
- Deletes the requirement that ELA assessments must be administered online.
- Requires that published and released assessments to be in a format that facilitates sharing of assessment items.

Schools of Hope (Bill Section 11)

The bill amends s. 1002.333, F.S., relating to persistently low-performing schools, to provide that funds allocated for the Schools of Hope program which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the effective date of the original appropriation.

Florida Virtual School (Bill Section 12)

The bill amends s. 1002.37, F.S., relating to the Florida Virtual School, to require that industry certification examinations, national assessments, and statewide assessments offered by the school district are available to all Florida Virtual School students.

Curricular and Extracurricular Programs

Early Learning Programs (Bill Sections 19, 20, and 21)

The bill amends ss. 1002.55, 1002.75, and 1002.88, F.S., relating to school readiness programs and Voluntary Prekindergarten (VPK) programs, as follows:

- Authorizes the Early Learning Coalition to refuse to contract with a private VPK provider which has been cited for a class I violation or may revoke the provider's eligibility to deliver the VPK program.
- Authorizes the Early Learning Coalition to refuse to contract with a private school readiness provider which has been cited for a class I violation coalition or may revoke the provider's eligibility to deliver the school readiness program.

Cardiopulmonary Resuscitation (Bill Section 23)

The bill amends s. 1003.453, F.S., relating to training in cardiopulmonary resuscitation (CPR) that school districts are encouraged to provide. If CPR instruction is provided, the instruction must:

- Be based on a nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines.
- Allow students to practice the psychomotor skills associated with performing CPR and use an automated external defibrillator when a school district has the equipment necessary to perform the instruction.

Extracurricular Activities (Bill Section 26)

The bill amends s. 1006.15, F.S., relating to participation in extracurricular activities, to provide that all non-traditional students, including charter school, home education, and FLVS students, must register their intent to participate in the activity prior to participation (rather than prior to the beginning date of the season for the activity).

Dual Enrollment (Bill Section 27)

The bill amends s. 1007.271, F.S., relating to dual enrollment programs, as follows:

- Provides that students may not be limited in the number of dual enrollment courses in which the student may enroll based solely upon enrollment at an independent postsecondary institution.
- Removes the requirement for a home education student to pay for his/her instructional materials for dual enrollment courses. The bill provides an appropriation of \$550,000 to pay for the instructional materials for these students (see Bill Section 46).
- Provides that a public postsecondary institution course or program limitations on home education students may not exceed the limitations for other dually enrolled students.
- Provides that a high school grade point average may not be required for home education students who meet the minimum score on a common placement test adopted by the SBE, but home education student eligibility requirements for continued enrollment in dual enrollment courses must include the maintenance of the minimum postsecondary grade point average established by the postsecondary institution.

Additional Provisions

Commissioner of Education Powers and Duties (Bill Section 8)

The bill amends s. 1001.10, F.S., to provide that in the event of an emergency situation, the commissioner may coordinate through the most appropriate means of communication with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.

State Motto (Bill Section 22)

The bill amends s. 1003.44, F.S., relating to patriotic programs, to require each district school board to adopt rules to require, in all of the schools of the district and in each building used by the district school board, the display of the state motto, "In God We Trust", in a conspicuous place.

Allocations (Bill Sections 46 and 47)

For the 2018-2019 fiscal year, the bill appropriates \$13,750,000 in recurring funds to the FDOE as follows:

- \$10,000,000 for the Reading Scholarship Accounts – s. 1002.411, F.S.
- \$2,000,000 for the Hope Scholarship Program – s. 1002.40, F.S.
- \$950,000 for FDOE oversight of participating private schools – s. 1002.421, F.S.
- \$250,000 for a competitive grant award – s. 1002.395, F.S.
- \$550,000 for instructional materials for home education students – s. 1007.271, F.S.

For the 2017-2018 fiscal year, the bill appropriates \$250,000 in nonrecurring funds to implement a provision of this bill and a provision in HB 1279 as follows:

- \$150,000 to the DOR to implement the sales tax program created by s. 212.099, F.S.
- \$100,000 in nonrecurring funds, and contingent upon HB 1279 becoming law, to implement the provisions of s. 1011.051(2)(b), F.S., as provided in HB 1279.