

The bill provides that the SBE and the Board of Governors each must adopt textbook and instructional materials affordability policies, procedures, and guidelines that further efforts to minimize the costs. Among other things, these policies, procedures, and guidelines must address consultation with school districts to identify practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including, but not limited to, the length of time that textbooks and instructional materials remain in use.

The bill amends s. 1009.23, F.S., relating to FCS institution student fees to provide that each FCS institution must publicly notice and notify all students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must specifically outline the details of existing tuition and fees, the rationale for the proposed increase, and how the funds from the proposed increase will be used. The notice must be posted on the institution's website and issued in a press release. The bill amends s. 1009.24, F.S., relating to state university student fees in a similar way.

HB 7029 – Education

By Reps. Cortes and Diaz (*SB 1166 by Sen. Gaetz*)

AMENDS: Sections 413.207, 1001.42, 1001.67, 1001.7065, 1001.71, 1001.92, 1002.20, 1002.31, 1002.33, 1002.331, 1002.37, 1002.391, 1002.45, 1002.53, 1003.3101, 1003.4282, 1003.4295, 1003.44, 1004.935, 1006.15, 1006.20, 1007.35, 1009.893, 1011.61, 1011.62, 1011.71, 1012.33, 1012.42, 1012.56, 1012.795, 1012.796, 1013.385, 1013.62, 1013.64, F.S.

CREATES: Sections 617.221, 1001.66, 1003.432, 1006.195, 1012.583, F.S.

EFFECTIVE: July 1, 2016 except as otherwise expressly provided

The bill amends numerous sections of the education statutes including, but not limited to, statutes pertaining to K-12 education policy, education funding, school choice, personnel, school construction, and postsecondary education performance funding.

Local Authority

The bill creates s. 617.221, F.S., relating to membership associations. The term "membership association" means a not-for-profit corporation the majority of whose board members are constitutional officers who, pursuant to s. 1001.32(2), F.S., operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act (GAA) or the bill implementing the GAA. The term does not include a labor organization or an entity funded through the Justice Administrative Commission.

This section also provides that dues paid to a membership association which are paid with public funds must be assessed for each elected or appointed public officer and may be paid to a membership association. If a public officer elects not to join the membership association, the dues assessed to that public officer may not be paid to the membership association.

The bill adds a new provision to s. 1001.42, F.S., relating to the powers and duties of district school board to authorize school board members to visit the schools, observe the management and instruction, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school.

The bill amends s. 1003.44, F.S., relating to patriotic programs to provide that each student must be informed by a written notice published in the student handbook or a similar publication (rather than "posting a notice in a conspicuous place") that the student has the right not to participate in reciting the pledge. Upon written request from his or her parent, the student must be excused from reciting the pledge.

Assessment & Accountability

The bill amends s. 1002.20, F.S., relating to K-12 student and parent rights with regard to fiscal transparency to provide that parents have the right to an easy-to-read report card about the school's grade designation or improvement rating, and the school's accountability report, including the school financial report. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.

The bill amends s. 1003.4295, F.S., to modify the Credit Acceleration Program (CAP). The bill provides that a school district must award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding end-of-course assessment, Advanced Placement Examination, or College Level Examination Program. The bill also provides that home education students must be permitted to take an assessment or exam during the regular administration of such assessment or exam.

The bill amends s. 1007.35, F.S., relating to the Partnership for Minority and Underrepresented Student Achievement to update terminology to reflect the current ACT test – ACT Aspire – which has replaced the Preliminary ACT (PLAN) test.

The bill creates an unnumbered section of Florida Statutes to provide that, notwithstanding s. 1002.69(5), F.S., for the 2014-2015 and 2015-2016 Voluntary Prekindergarten Education Program years, the office shall not adopt a kindergarten readiness rate. In addition, any private prekindergarten provider or public school that was on probation for the 2013-2014 program year shall remain on probation until the provider or school meets the minimum rate adopted by the office. This section expires July 1, 2017.

Charter Schools

The bill amends s. 1002.33(1), F.S., relating to charter school authorization, to clarify that an existing charter seeking to become a virtual charter must amend its charter or submit a new application to become a virtual charter school.

The bill amends s. 1002.33(6), F.S., relating to charter school applications, to provide that:

- A sponsor must deny an application (rather than “charter”) if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- In addition to existing required information, the application must disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools. The sponsor must consider this information in deciding to approve or deny the application.
- Except as provided for a draft application, a sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application.
- If the sponsor denies an application submitted by a high-performing charter school and if an appeal is filed, the applicant must provide a copy of the appeal to the sponsor.
- A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

The bill amends s. 1002.33(7), relating to a charter school's charter, to provide that:

- Admission or dismissal must not be based on a student's academic performance.
- A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board must notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and DOE in writing within 24 hours after the public meeting of its determination. The notice must state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds in accordance with statutory requirements.
- Requirements relating to the appointment of a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes , etc., is deleted and relocated to s. 1002.33(9), F.S.

The bill amends s. 1002.33(9), F.S., relating to charter school requirements, to provide that:

- Upon approval of the charter contract, a charter school must provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance.
- The sponsor must review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a), relating to deteriorating financial conditions and financial emergencies.
- A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final (existing exceptions to termination still apply). The sponsor must notify the charter school's governing board, the charter school principal, and DOE in writing when a charter contract is terminated. A charter terminated under these conditions must follow the procedures for dissolution and reversion of public funds.
- Requirements relating to the appointment of a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes , etc., is added to these provisions and revised to provide that the appointed representative and charter school principal or director, or his or her designee, must be physically present at each meeting of the governing board. Members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission.

The bill amends s. 1002.33(10), F.S., relating to eligible students, to provide that a charter school may give enrollment preference to the following student populations: :

- Students who are the children of a resident or employee of a municipality that operates a charter school-in-a-municipality or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.
- Students who attended or are assigned to failing schools pursuant to s. 1002.38(2), F.S., relating to the Opportunity Scholarship Program.

The bill amends s. 1002.33(17), F.S., relating to charter school funding, to provide that:

- Charter schools are entitled to receive funding from the research-based reading allocation.
- District school boards are required to make payments of funds to charter schools monthly or twice a month, beginning with the start of the district school board's fiscal year. Each payment must be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds. For the first 2 years of a charter school's operation, if a minimum of 75 percent

of the projected enrollment is entered into the sponsor's student information system by the first day of the current month the district school board must distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system.

- The district school board may not delay payment to a charter school of any portion of the funds provided in the FEFP based on the timing of receipt of local funds by the district school board.
- To be eligible for public education capital outlay (PECO) funds, a charter school must be located in the State of Florida.

The bill amends s. 1002.33(18), F.S., relating to charter school facilities, to provide that, if an official or employee of the local governing authority refuses to treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon traditional public schools, the aggrieved charter school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs.

The bill amends s. 1002.331, F.S., relating to high-performing charter schools, by deleting the prohibition against increasing enrollment or expanding grade levels by a high-performing charter school that receives a school grade of C or below.

Educational Choice & Controlled Open Enrollment

The bill amends s. 1002.20, F.S., relating to K-12 student and parent rights with regard to educational choice. The bill deletes the term "school choice" and replaces it with "educational choice" in this, and related, sections of law. The bill provides the parents of public school students may seek any public educational choice options that are applicable and available to students throughout the state. The bill expands the existing list of public educational choice options by adding CAPE digital tools, CAPE industry certifications, and collegiate high school programs. The bill also expands the existing list of private educational choice options by adding the Florida Personal Learning Scholarship Accounts Program (Gardiner Scholarship Program) and providing that the parent of a student with a qualifying disability may apply for a Gardiner Scholarship to be used for individual educational needs.

The bill amends s. 1002.31, F.S., relating to controlled open enrollment to provide that, beginning by the 2017-2018 school year, as part of a school district's or charter school's controlled open enrollment process, each district school board or charter school must allow a parent from any school 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 charter schools, that has not reached capacity, subject to the maximum class size. The school district or charter school must accept the student, pursuant to their controlled open enrollment process, and report the student for purposes of FEFP funding. The bill also provides that a school district or charter school may provide transportation to students taking advantage of controlled open enrollment.

In addition, the bill provides that each school district and charter school capacity determinations for its schools must be current and must be identified on the school district and charter school's websites. In determining the capacity of each district school, the district school board must incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35, F.S. Each charter school governing board must determine capacity based upon its charter school contract.

The bill requires each district school board to provide preferential treatment in its controlled open enrollment process to all of the following:

- Dependent children of active duty military personnel whose move resulted from military orders.
- Children who have been relocated due to a foster care placement in a different school zone.
- 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.
- Students residing in the school district.

As part of its controlled open enrollment process, a charter school may provide preferential treatment in its controlled open enrollment participation process to the enrollment limitations of s. 1002.33(10), F.S., relating to students eligible to enroll in the charter school, if such special purposes are identified in the charter agreement. Each charter school must annually post on its website the application process required to participate in controlled open enrollment, consistent with this section and s. 1002.33, F.S., relating to charter schools.

The bill specifies that students residing in the district, including charter school students, may not be displaced by a student from another district seeking enrollment under the controlled open enrollment process. In addition, for purposes of continuity of educational choice, a student who transfers under the provisions of controlled open enrollment may remain at the school chosen by the parent until the student completes the highest grade level at the school.

The bill requires each district school board to adopt by rule and post on its website the process required to participate in controlled open enrollment. The process must:

- Adhere to federal desegregation requirements.
- Allow parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.
- Maintain existing academic eligibility criteria for public school choice programs.
- Identify schools that have not reached capacity, as determined by the school district.
- Ensure that each district school board adopts a policy to provide preferential treatment as required by these provisions.

In addition, the bill:

- Provides that, for a school or program that is a public school of choice, the calculation for compliance with maximum class size is the average number of students at the school level.
- The bill requires each district school board to annually report the number of students exercising choice by type.
- Establishes provisions relating to high school athletics and extracurricular programs for students taking advantage of a controlled open enrollment option (see “High School Athletics and Extracurricular Programs section below for details).
- Amends s. 1002.20, F.S., relating to K-12 student and parent rights with regard to transportation to conform with these controlled open enrollment provisions.

High School Athletics and Extracurricular Programs

The bill amends s. 1006.15, F.S., relating to interscholastic and intrascholastic extracurricular student activities.. For the purposes of this section and s. 1006.20, F.S., the bill defines 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. The term does not mean that a student must be placed on any specific team for interscholastic or intrascholastic extracurricular activities.

The bill provides that 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. In addition, the bill provides that 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:

- Dependent children of active duty military personnel whose move resulted from military orders.
- Children who have been relocated due to a foster care placement in a different school zone.
- 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.
- Authorized for good cause in district or charter school policy.

This section is also amended to provide that a private school student may participate in a sport at public high school even if the private school in which student is enrolled is not a member of FHSAA and language relating to whether the private school offers the athletic program is deleted. In addition, the bill provides that a student who transfers to a school during the school year may seek to immediately join an existing team if the roster for the specific interscholastic or intrascholastic extracurricular activity has not reached the activity's identified maximum size and if the coach for the activity determines that the student has the requisite skill and ability to participate. The bill specifies that FHSAA and school district or charter school may not declare such a student ineligible because the student did not have the opportunity to comply with qualifying requirements. The bill repeats that 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 specified criteria.

The bill creates s. 1006.195, F.S., to establish district school board and charter school authority and responsibility to establish student eligibility regarding participation in interscholastic and intrascholastic extracurricular activities. The bill provides that, notwithstanding any provision to the contrary in ss. 1006.15, 1006.18, and 1006.20, F.S., regarding student eligibility to participate in interscholastic and intrascholastic extracurricular activities, a district school board must establish, through its code of student conduct, student eligibility standards and related student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities. The code of student conduct must provide that:

- A student not currently suspended from interscholastic or intrascholastic extracurricular activities, or suspended or expelled from school, pursuant to a district school board's suspension or expulsion powers provided in law is eligible to participate in interscholastic and intrascholastic extracurricular activities.
- 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 the criteria in s. 1006.15, F.S.
- A student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to s. 1006.20(2)(b).

Students who participate in interscholastic and intrascholastic extracurricular activities for, but are not enrolled in, a public school, are subject to the district school board's code of student conduct for the limited purpose of establishing and maintaining the student's eligibility to participate at the school. In addition, the bill provides that these provisions also apply to interscholastic and intrascholastic extracurricular activities conducted by charter schools and private schools except that the charter school governing board, or equivalent private school authority, is responsible for the authority and responsibility otherwise provided to district school boards.

The bill provides that the FHSAA continues to retain jurisdiction over the following provisions in s. 1006.20, which may not be implemented in a manner contrary to this section: membership in the FHSAA; recruiting prohibitions and violations; student medical evaluations; investigations; and sanctions for coaches; school eligibility and forfeiture of contests; student concussions or head injuries; the sports medical advisory committee; and the general operational provisions of the FHSAA. The FHSAA must adopt, and prominently publish, the text of this section on its website and in its bylaws, rules, procedures, training and education materials, and all other governing authority documents by August 1, 2016.

The bill amends s. 1006.20, F.S., relating to athletics in public K-12 schools to provide that the FHSAA must allow a private school the option of maintaining full membership in the association or joining by sport and may not discourage a private school from simultaneously maintaining membership in another athletic association. The FHSAA also may allow a public school the option to apply for consideration to join another athletic association.

This section is also amended to provide that the FHSAA bylaws governing residence and transfer must allow the 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 himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in the school, or the school to which the student has transferred. Existing timelines to establish eligibility are deleted.

This section is also amended to establish escalating penalties by recruitment violations by a school district employee or contractor in violation of FHSAA bylaws to provide:

- For a first offense, a \$5,000 forfeiture of pay for the school district employee or contractor who committed the violation.
- For a second offense, suspension without pay for 12 months from coaching, directing, or advertising an extracurricular activity and a \$5,000 forfeiture of pay.
- For a third offense, a \$5,000 forfeiture of pay. If the individual who committed the violation holds an educator certificate, the FHSAA shall also refer the violation to DOE for review to determine whether probable cause exists, and, if so, the commissioner shall file a formal complaint against the individual. If the complaint is upheld, the individual's educator certificate shall be revoked for 3 years, in addition to any penalties available under s. 1012.796, F.S. Additionally, DOE shall revoke any adjunct teaching certificates and all permissions and the educator is ineligible for such certificates or permissions for a period of time equal to the period of revocation of his or her state-issued certificate.

In addition, and notwithstanding any other provision of law, a school, team, or activity shall forfeit all competitions, including honors resulting from such competitions, in which a student who participated in any fashion was recruited in a manner prohibited pursuant to state law or the FHSAA bylaws. However, the bill provides that a student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity, as determined by a district school board pursuant to s. 1006.195, F.S., may not be affected by any alleged recruiting violation until final disposition of the allegation. Ineligibility must be established by a preponderance of (rather than clear and convincing) evidence.

Sections 1002.20, F.S., relating to K-12 student and parent rights, 1002.31, F.S., relating to controlled open enrollment, 1012.795, F.S., relating to the Education Practices Commission, 1012.796, F.S., relating to complaints against teachers are amended to conform with these provisions.

Programs and Curriculum

The bill amends s. 1002.53, F.S., relating to the Voluntarily Prekindergarten Education (VPK) Program to allow a parent to defer enrollment in a VPK Program for one year. Specifically, the bill provides that each child who will have attained the age of 4 years on or before September 1 of the school year is eligible for VPK during either that school year or the following school year. The child remains eligible until the child is admitted to kindergarten, or unless he or she will have attained the age of 6 years by February 1 of any school year.

The bill amends s. 1003.4282, F.S., relating to requirements for a standard high school diploma with regard to online course requirements. The bill authorizes a district school board or a charter school governing board to offer students additional options to satisfy the online course requirements, including:

- Completion of a course in which a student earns a nationally recognized industry certification in information technology that is identified on the CAPE Industry Certification Funding List or passage of the information technology certification examination without enrollment in, or completion of, the corresponding course or courses.
- Passage of an online content assessment, without enrollment in, or completion of, the corresponding course or courses by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes.

The bill amends s. 1002.391, F.S., relating to auditory-oral education programs, by adding new language to provide that, beginning with the 2017-2018 school year, a school district shall add four special consideration points to the calculation of a matrix of services for a student who is deaf and enrolled in an auditory-oral education program.

The bill amends s. 1004.935, F.S., relating to the Adults with Disabilities Workforce Education Pilot Program, to remove the sunset provision for the program so that, effective June 29, 2016, this program is no longer a "Pilot" Program.

The bill amends s. 413.207, F.S., relating to the Division of Vocational Rehabilitation, to require that, no later than October 1, 2016, to develop and implement a performance improvement plan designed to achieve specified goals designed to elevate the state Vocational Rehabilitation program to one of the top 10 in the nation. The Division must annually submit a performance report with specified data to the Governor and the legislative leaders.

The bill creates s. 1003.432, F.S., to establish the Florida Seal of Biliteracy Program for high school graduates. As used in this context, the term "biliteracy" means attainment of a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, which is signified on a high school graduate's diploma and transcript as either a Gold Seal of Biliteracy or a Silver Seal of Biliteracy. The bill establishes the purposes for the Program and provides that beginning with the 2016-2017 school year, the Gold Seal of Biliteracy or the Silver Seal of Biliteracy must be awarded to a high school student who has earned a standard high school diploma and who has earned four foreign language course credits in the same foreign language with a cumulative 3.0 grade point average, has achieved a qualifying score on a foreign language assessment, or has satisfied alternative requirements as determined by the SBE. The SBE is directed to adopt rules to implement these provisions.

Personnel

The bill creates s. 1003.3101, F.S., relating to educational choice options, to provide that each school district board must establish a transfer process for a parent to request his or her child be transferred to another classroom teacher. This section does not give a parent the right to choose a specific classroom teacher. A school must approve or deny the transfer within 2 weeks after receiving a request. If a request for transfer is denied, the school must notify the parent and specify the reasons for the denial. The bill requires that an explanation of the transfer process must be made available in the student handbook or a similar publication.

The bill amends s. 1012.42, F.S., relating to a teacher teaching out-of-field to require each school district to report out-of-field teachers on the district's website within 30 days before the beginning of each semester. A parent whose student is assigned an out-of-field teacher may request that his or her child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled. The school district must approve or deny the parent's request and transfer the student to a different classroom teacher within a reasonable period of time, not to exceed 2 weeks, if an in-field teacher for that course or grade level is employed by the school and the transfer does not violate maximum class size. If a request for transfer is denied, the school must notify the parent and specify the reasons for the denial. An explanation of the transfer process must be made available in the student handbook or a similar publication. The bill specifies that these provisions do not provide a parent the right to choose a specific teacher.

The bill amends s. 1012.56, F.S., relating to educator certification requirements to provide that each school district must and a private school or state-supported public school, including a charter school, may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law.

The bill creates s. 1012.583, F.S., relating to continuing education and inservice training for youth suicide awareness and prevention. The bill provides that, beginning with the 2016-2017 school year, DOE, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, must develop a list of approved youth suicide awareness and prevention training materials that may be used for training in youth suicide awareness and prevention for instructional personnel in elementary, middle, and high schools. The bill provides criteria for the list of materials. The bill provides that the training must be included in the existing continuing education or inservice training requirements for instructional personnel and may not add to the total hours currently required by DOE and, if a school chooses to participate in the training, all instructional personnel are required to participate. The bill establishes reporting requirements. A school that chooses to incorporate 2 hours of training shall be considered a "Suicide Prevention Certified School."

The bill provides that a person has no cause of action for any loss or damage caused by an act or omission resulting from the implementation of this section or resulting from any training required by this section unless the loss or damage was caused by willful or wanton misconduct. This section does not create any new duty of care or basis of liability. The SBE is authorized, but not required, to adopt rules to implement these provisions.

The bill amends s. 1012.33, F.S., relating to contracts with instructional staff, to provide that, notwithstanding any other provision of law, a retired member may interrupt retirement and be reemployed in any public school as instructional personnel under a 1-year probationary contract. If the retiree successfully completes the probationary contract, the district school board may reemploy the retiree under an annual contract. The retiree is not eligible for a professional service contract.

Facilities and Construction

The bill amends s. 1013.62, F.S., relating to charter schools capital outlay funding. The bill revises existing eligibility criteria to provide that, in order to be eligible for funding and in addition to other existing requirements, the charter school must have been in operation for 2 (rather than 3) or more years and must have 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 such audit results are available (rather than have stability for future operation as a charter school).

The bill deletes existing priorities and methodology for the distribution of charter school capital outlay funding for charter schools and replaces it with new methodology to provide that the funding allocation for eligible charter schools shall be calculated as follows:

- Eligible charter schools shall be grouped into categories based on their student populations according to the following two criteria:
 - Seventy-five percent or greater who are eligible for free or reduced-price school lunch.
 - Twenty-five percent or greater with disabilities as defined in state board rule and consistent with the requirements of the Individuals with Disabilities Education Act.
- If an eligible charter school does not meet the criteria for either category, its FTE shall be provided as the base amount of funding and shall be assigned a weight of 1.0.
- An eligible charter school that meets one of the criteria shall be provided an additional 25 percent above the base funding amount, and the total FTE shall be multiplied by a weight of 1.25.
- An eligible charter school that meets both of the criteria shall be provided an additional 50 percent above the base funding amount, and the FTE for that school shall be multiplied by a weight of 1.5.
- The state appropriation for charter school capital outlay shall be divided by the total weighted FTE for all eligible charter schools to determine the base charter school per weighted FTE allocation amount. The per weighted FTE allocation amount shall be multiplied by the weighted FTE to determine each charter school's capital outlay allocation.

The bill requires DOE calculate the eligible charter school funding allocations. Funds shall be allocated using full-time equivalent membership from the second and third enrollment surveys and free and reduced-price school lunch data. DOE must recalculate the allocations periodically based on the receipt of revised information, on a schedule established by the Commissioner of Education. The bill deletes language authorizing the Commissioner to submit a recommendation for a dedicated funding source for charter school capital outlay in the annual DOE legislative budget request.

The bill amends s. 1013.64, F.S., relating to funds for comprehensive educational plant needs and construction cost maximums for school district capital projects. The bill makes several revisions to s. 1013.64(2), F.S., relating to the Special Facilities Construction Account. The bill:

- Provides that a district shall not receive funding for more than one project during any 3 year period or while any share or portion of the district's project costs is outstanding.
- Specifies that only the chair may convene the Special Facility Construction Committee.
- Requires a school board to request a pre-application review before developing construction plans.
- Provides that a school district may request a pre-application review at any time, but, if the district school board seeks inclusion in the DOE's next annual capital outlay legislative budget request, the pre-application review request must be made before February 1.
- Provides that within 90 days (rather than 60 days) after receiving the request, the committee must meet in the district to review the project proposal and existing facilities.

- Requires the use of data from the demographic, revenue, and education estimating conferences in determining the district's existing and projected Capital Outlay FTE.
- Requires site surveys and amendments be prepared cooperatively by DOE and the district and approved by DOE pursuant to SBE rules.
- Provides that, if the district employs a consultant in 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.
- Provides that the total project cost must not exceed the cost per student station as provided in s.1013.64 (6), F.S., except for costs overruns necessitated by a disaster as defined in s.252.34, F.S., or unforeseeable circumstances beyond the district's control as determined by the Special Facility Construction Account Committee.
- Requires that beginning with the 2019-20 FY, districts seeking Special Facility funding must have levied 1.5 mills for 3 years prior to the request in addition to the maximum levy of 3 years beginning the first year of funding.
- Provides that the annual budgeting commitment to the project is reduced to no more than the value of 1.0 mill until the district's participation requirement of 4.5 mills is met.
- Defines the commitment to be an amount equivalent all of the encumbered and future revenue acquired in 3 year period following the year of the initial appropriation from PECO and s. 1011.71(2).
- Amends the required timeframe for submittal of School Board Certified Final Phase III plans to June 1 of the year the application is made.
- Clarifies that the DOE representative shall serve as the Chair of the Special Facility Construction Account Committee.

The bill amends s. 1013.64(6), F.S., relating to costs per student station, to provide that school districts must maintain accurate documentation related to the costs of all new construction of educational plant space reported to DOE. The Auditor General is directed to review this documentation and verify compliance with the cost per student station limits during its scheduled operational audits of the school district. DOE must make the final determination on district compliance based on the recommendation of the Auditor General.

The bill provides that the Office of Economic and Demographic Research (EDR), in consultation with DOE, shall conduct a study of the cost per student station amounts using the most recent available information on construction costs. In this study, the costs per student station should represent the costs of classroom construction and administrative offices as well as the supplemental costs of core facilities, including media centers, gymnasiums, music rooms, and cafeterias, vocational areas, and other defined specialty areas, including exceptional student education areas. The study must take into account appropriate cost-effectiveness factors in school construction and should include input from industry experts. EDR must provide the results of the study and recommendations on the cost per student station to the Governor, and legislative leaders no later than January 31, 2017.

The bill also provides that the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the State Requirements for Education Facilities (SREF) to identify current requirements that can be eliminated or modified in order to decrease the cost of construction of educational facilities while ensuring student safety. OPPAGA must provide the results of the study, and an overall recommendation as to whether SREF should be retained, to the Governor and legislative leaders no later than January 31, 2017.

The bill provides that, effective July 1, 2017, a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station, including change orders, which equals more than the current adjusted cost per student station amounts, as adjusted annually to reflect increases or decreases in the Consumer Price Index. A

school district that exceeds the cost per student station limits, as determined by the Auditor General, shall be subject to sanctions unless the Auditor General determines that the overage is de minimus or due to extraordinary circumstances outside the control of the district. The sanctions are as follows:

- The school district shall be ineligible for allocations from the Public Education Capital Outlay and Debt Service Trust Fund for the next 3 years in which the school district would have received allocations had the violation not occurred.
- The school district shall be subject to the supervision of a district capital outlay oversight committee. The oversight committee is authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for 3 fiscal years following the violation. Each oversight committee shall be composed of the following:
 - One appointee of the Commissioner of Education who has significant financial management, school facilities construction, or related experience.
 - One appointee of the office of the state attorney with jurisdiction over the district.
 - One appointee of the Chief Financial Officer who is a licensed certified public accountant.

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

The bill requires DOE to provide the reports submitted by districts relating to exceeding the cost per student station limits to the Auditor General for verification purposes rather than to the Governor and legislative leaders.

The bill also deletes a provision exempting certain funds from being subject to inclusion in the cost per student station limits. In effect, this means that proceeds received by districts through the provisions of ss. 212.055 (discretionary sales surtaxes) and 1011.73 (district millage elections) and s. 9, Art. VII of the State Constitution (local taxes) would be included under the cost per student station limitation.

The bill creates s. 1013.385, F.S., relating to school district construction flexibility, to provide that a district school board may, with a supermajority vote, adopt a resolution to implement one or more specified exceptions to SREF requirements relating to interior non-load-bearing walls; walkways, roadways, driveways, and parking areas; standards for relocatables; and site lighting. Before adopting such a resolution, the district must assemble evidence that describes, among other things, how each exception selected achieves cost savings, improves the efficient use of school district resources, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction.

Funding

The bill amends ss. 1002.37, 1002.45, and 1011.61, F.S., to repeal provisions relating to performance funding tied to passage of an EOC assessment for student in the Florida Virtual School, in virtual instruction programs, or in courses requiring passage in order to earn a standard diploma.

The bill amends s. 1011.61, F.S., to delete reference to instruction in a double-session school or a school utilizing an experimental school calendar and to provide that a student who receives instruction in a school that operates for less than the minimum term shall generate full-time equivalent student membership proportional to the amount of instructional hours provided by the school divided by the minimum term requirement.

The bill amends s. 1011.62, F.S., relating to funds for operation of schools to make several changes that will become effective July 1, 2016. The bill:

- Provides for the recalculation of ESE Guaranteed Allocation once during the year based on the actual student membership from the October FTE survey.
- Provides that, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.
- Revises CAPE Industry Certification bonuses and weights to provide a bonus of \$50 per student for a CAPE Industry Certification Funding List with a weight of 0.2; a bonus of \$75 per student with a weight of 0.3; a bonus of \$100 per student with a weight of 0.5 or 1.0; and provides that a bonus award to a teacher may not exceed \$3,000 (rather than \$2,000).
- codifies the Federally Connected Student Supplement.

Postsecondary Institutions

The bill creates s. 1001.67, F.S., to establish the Distinguished Florida College System Program to recognize excellence of highest-performing Florida College System (FCS) institution. The bill establishes excellence standards and requires the SBE to designate each FCS institution that meets five of the seven standards as a distinguished college. A distinguished college is eligible for additional funding as provided in the GAA.

The bill creates s. 1001.66, F.S., to establish the Florida College System Performance-Based Incentive (FCS Incentive) to provide that:

- The FCS Incentive will be awarded using performance-based metrics adopted by the SBE. The SBE must adopt benchmarks to evaluate each institution's performance to measure the institution's achievement of institutional excellence or need for improvement.
- Each fiscal year, funds available for allocation for the performance-based funding model will consist of the state's investment in performance funding plus institutional investments consisting of funds to be redistributed from the base funding of the FCS Program Fund.
- A FCS Institution that meets the minimum institutional investment eligibility threshold, but fails to meet the minimum state investment eligibility threshold, shall have its institutional investment restored but is ineligible for a share of the state's investment in performance funding.
- A FCS institution that fails to meet the minimum performance funding eligibility threshold will have a portion of its institutional investment withheld and must submit an improvement plan which specifies the activities and strategies for improving the institution's performance.
- The SBE must review and approve the improvement plan and must monitor the institution's progress in implementing it.
- A FCS institution that makes satisfactory progress on implementing the improvement plan will have its withheld institutional investment restored in two increments. An institution that fails to make satisfactory progress may not have its full institutional investment restored. Any institutional investment funds that are not restored will be redistributed in accordance with the state board's performance-based metrics.
- By October 1 of each year, the SBE must submit to the Governor and legislative leaders a report on the previous fiscal year's performance funding allocation, which must reflect the rankings and award distributions.
- The SBE is directed to adopt rules to administer this program.

The bill reenacts and amends s. 1001.7065, F.S., relating to the preeminent state research universities program established as a collaborative partnership between the Board of Governors and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities. The bill:

- Updates academic and research excellence standards.
- Requires the Board of Governors to designate each state university that annually meets at least six of 12 academic and research excellence standards as an “emerging preeminent state research university.”
- Requires “emerging preeminent universities” to submit 5-year benchmark plan with target rankings on key performance metrics.
- Provides that awards of additional funding is contingent upon appropriation and all preeminent universities will receive an equal amount and all emerging preeminent universities will receive one-half of the funds received by the preeminent universities.
- Authorizes a preeminent university to require incoming first-time-in-college students to take a six-credit (rather than 9- to 12-credit) set of unique courses.
- Provides that designated emerging preeminent state research universities are granted additional authority and flexibility as is provided to designated preeminent universities..

The bill amends s. 1001.71, F.S., relating to university boards of trustees, by adding new provisions to this section. The bill:

- Provides that the chair and vice chair of each board must be selected from the appointed members of the board.
- Establishes the allowable term of office, duties, and responsibilities of the chair.
- Requires each university board of trustees to keep detailed meeting minutes for all meetings and post them on the university's website.
- Directs the Board of Governors to adopt regulations to implement these provisions.

The bill amends s. 1001.92, F.S., relating to the State University System Performance-Based Incentive. As amended, the bill:

- Revises performance-based metrics relating to postgraduation employment and salaries to include wage thresholds that reflect the added value of a baccalaureate degree.
- Requires the Board of Governors to establish minimum performance funding eligibility thresholds for the state's investment and the institutional investments.
- A state university that meets the minimum institutional investment eligibility threshold, but fails to meet the minimum state investment eligibility threshold, shall have its institutional investment restored but is ineligible for a share of the state's performance funding.
- Directs the Board of Governors to adopt regulations to implement these provisions.

The bill amends s. 1009.893, F.S., to rename the “Florida National Merit Scholar Incentive Program” as the “Benacquisto Scholarship Program” and a student who receives an award under the scholarship program shall be known as a Benacquisto Scholar. In addition, all eligible Florida public or independent postsecondary institutions are encouraged to become, and all eligible state universities shall become, college sponsors of the National Merit Scholarship Program.

SB 7040 – Workforce Innovation Act

By Commerce & Tourism (*HB 7065 by Economic Development and Tourism*)

AMENDS: Sections 20.6, 115.01, 212.08, 220.183, 250.1, 250.482, 250.81, 288.047, 290.0056, 322.34, 341.052, 414.045, 414.065, 414.085, 414.095, 414.105, 414.106, 414.295, 420.623, 420.624, 427.013, 427.0155, 427.0157, 443.091, 443.1116, 445.003, 445.004, 445.006, 445.007, 445.0071, 445.009, 445.014, 445.016, 445.017, 445.021, 445.022, 445.024, 445.025, 445.026, 445.03, 445.031, 445.048, 445.051, 445.07, 985.622, 1002.83, 1003.491, 1003.492, 1003.493, 1003.4935, 1003.52, 1004.93, 1006.261, 1009.25, F.S.

EFFECTIVE: July 1, 2016

The bill amends multiple sections of law relating to workforce services in order to comply with and implement the Federal Workforce Innovation and Opportunity Act of 2014 (WIOA). The federal law requires coordination between core programs in the delivery of workforce services. The four core programs are those under the adult, dislocated worker, and youth programs; employment services under the Wagner-Peyser Employment Act; Vocational rehabilitation services; and Adult education and literacy activities.

The bill deletes or replaces references to the federal Workforce Investment Act of 1998, which has been replaced by the WIOA. The bill also provides membership guidelines for the state workforce board, CareerSource Florida, Inc., to include membership representation for each of the core programs and the vice chairperson of Enterprise Florida, Inc. The bill changes methods of measuring performance accountability and preparing the state plan in order to conform to federal law. The state plan must be based on a 4-year strategy and is required to include operational and strategic elements for the core programs.

The bill requires DOE to enter into a memorandum of understanding with CareerSource Florida, Inc. in order to ensure compliance with federal law. A local workforce development board is required to enter into a memorandum of understanding with each one-stop delivery partner regarding sharing of infrastructure costs. The Governor is authorized to establish policy guidelines to allocate infrastructure costs when an agreement cannot be reached between a local workforce development board and a one-stop delivery partner.

HB 7053 – Child Care and Development Block Grant Program

By Education (*SB 7058 by Education PreK-12*)

AMENDS: Sections 39.201, 39.202, 383.141, 391.025, 391.026, 391.301, 391.302, 391.308, 402.302, 402.3025, 402.306, 402.311, 402.319, 413.092, 435.07, 1002.82, 1002.84, 1002.87, 1002.88, 1002.89, 1003.575, F.S.

REPEALS: Sections 391.303, 391.304, 391.305, 391.306, 391.307, 402.3057, F.S.

EFFECTIVE: July 1, 2016

The bill amends multiple sections of law to revise the Infants and Toddlers Early Intervention Program within the Department of Health, renamed as the “Early Steps” program, and revises provisions of the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant.

As amended, the Early Steps program provides screening and early intervention services to parents with infants and toddlers who have or may have a developmental delay. The bill:

- Expands the duties of the DOH clearinghouse for information on early intervention services for parents and providers of early intervention services.
- Provides goals for the Early Steps program, defines terms, and assigns duties to the DOH, as well as the local Early Steps offices.
- Establishes eligibility criteria for the program.