

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Jones offered the following:

Amendment (with directory and title amendments)

Remove lines 1009-4902 and insert:

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

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may also choose not to renew or may terminate the charter if the sponsor finds that one of the grounds set forth below exists by clear and convincing evidence ~~for any of the following grounds:~~

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this

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14 section, or failure to meet the requirements for student
15 performance stated in the charter.

16 2. Failure to meet generally accepted standards of fiscal
17 management.

18 3. Material violation of law.

19 4. Other good cause shown.

20 (9) CHARTER SCHOOL REQUIREMENTS.—

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

33 2.a. If a charter school earns three consecutive grades
34 below a "C," the charter school governing board shall choose one
35 of the following corrective actions:

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

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

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

43 (IV) Voluntarily close the charter school.

44 b. The charter school must implement the corrective action
45 in the school year following receipt of a third consecutive
46 grade below a "C."

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

54 d. A charter school is no longer required to implement a
55 corrective action if it improves to a "C" or higher. However,
56 the charter school must continue to implement strategies
57 identified in the school improvement plan. The sponsor must
58 annually review implementation of the school improvement plan to
59 monitor the school's continued improvement pursuant to
60 subparagraph 4.

61 e. A charter school implementing a corrective action that
62 does not improve to a "C" or higher after 2 full school years of
63 implementing the corrective action must select a different

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64 corrective action. Implementation of the new corrective action
65 must begin in the school year following the implementation
66 period of the existing corrective action, unless the sponsor
67 determines that the charter school is likely to improve to a "C"
68 or higher if additional time is provided to implement the
69 existing corrective action. Notwithstanding this sub-
70 subparagraph, a charter school that earns a second consecutive
71 grade of "F" while implementing a corrective action is subject
72 to subparagraph 3.

73 3. A charter school's charter contract is automatically
74 terminated if the school earns two consecutive grades of "F"
75 after all school grade appeals are final unless:

76 a. The charter school is established to turn around the
77 performance of a district public school pursuant to s.
78 1008.33(4)(b)2. Such charter schools shall be governed by s.
79 1008.33;

80 b. The charter school serves a student population the
81 majority of which resides in a school zone served by a district
82 public school subject to s. 1008.33(4) and the charter school
83 earns at least a grade of "D" in its third year of operation.
84 The exception provided under this sub-subparagraph does not
85 apply to a charter school in its fourth year of operation and
86 thereafter; or

87 c. The state board grants the charter school a waiver of
88 termination. The charter school must request the waiver within

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89 15 days after the department's official release of school
90 grades. The state board may waive termination if the charter
91 school demonstrates that the Learning Gains of its students on
92 statewide assessments are comparable to or better than the
93 Learning Gains of similarly situated students enrolled in nearby
94 district public schools. The waiver is valid for 1 year and may
95 only be granted once. Charter schools that have been in
96 operation for more than 5 years are not eligible for a waiver
97 under this sub-subparagraph.

98
99 The sponsor shall notify the charter school's governing board,
100 the charter school principal, and the department in writing when
101 a charter contract is terminated under this subparagraph. ~~The~~
102 ~~letter of termination must meet the requirements of paragraph~~
103 ~~(8)(e).~~ A charter terminated under this subparagraph must follow
104 the procedures for dissolution and reversion of public funds
105 pursuant to paragraphs (8)(e)-(g) and (9)(o).

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

107 (a) The sponsor shall make student academic achievement
108 for all students the most important factor when determining
109 whether to renew or terminate the charter. The sponsor may also
110 choose not to renew or may terminate the charter if the sponsor
111 finds that one of the grounds set forth below exists by clear
112 and convincing evidence ~~for any of the following grounds:~~

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113 1. Failure to participate in the state's education
114 accountability system created in s. 1008.31, as required in this
115 section, or failure to meet the requirements for student
116 performance stated in the charter.

117 2. Failure to meet generally accepted standards of fiscal
118 management.

119 3. Material violation of law.

120 4. Other good cause shown.

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

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

134 ~~2. A hearing conducted by an administrative law judge~~
135 ~~assigned by the Division of Administrative Hearings. The hearing~~
136 ~~shall be conducted within 90 ~~60~~ days after receipt of the~~
137 ~~request for a hearing and in accordance with chapter 120. The~~

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138 administrative law judge's final recommended order shall be
139 submitted to the sponsor. The administrative law judge shall
140 award the prevailing party reasonable attorney fees and costs
141 incurred during the administrative proceeding and any appeals A
142 ~~majority vote by the sponsor shall be required to adopt or~~
143 ~~modify the administrative law judge's recommended order. The~~
144 ~~sponsor shall issue a final order.~~

145 ~~(c) The final order shall state the specific reasons for~~
146 ~~the sponsor's decision. The sponsor shall provide its final~~
147 ~~order to the charter school's governing board and the Department~~
148 ~~of Education no later than 10 calendar days after its issuance.~~
149 The charter school's governing board may, within 30 calendar
150 days after receiving the ~~sponsor's~~ final order, appeal the
151 decision pursuant to s. 120.68.

152 (9) CHARTER SCHOOL REQUIREMENTS.—

153 (n)1. The director and a representative of the governing
154 board of a charter school that has earned a grade of "D" or "F"
155 pursuant to s. 1008.34 shall appear before the sponsor to
156 present information concerning each contract component having
157 noted deficiencies. The director and a representative of the
158 governing board shall submit to the sponsor for approval a
159 school improvement plan to raise student performance. Upon
160 approval by the sponsor, the charter school shall begin
161 implementation of the school improvement plan. The department
162 shall offer technical assistance and training to the charter

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163 school and its governing board and establish guidelines for
164 developing, submitting, and approving such plans.

165 2.a. If a charter school earns three consecutive grades
166 below a "C," the charter school governing board shall choose one
167 of the following corrective actions:

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

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

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

175 (IV) Voluntarily close the charter school.

176 b. The charter school must implement the corrective action
177 in the school year following receipt of a third consecutive
178 grade below a "C."

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

186 d. A charter school is no longer required to implement a
187 corrective action if it improves to a "C" or higher. However,

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188 the charter school must continue to implement strategies
189 identified in the school improvement plan. The sponsor must
190 annually review implementation of the school improvement plan to
191 monitor the school's continued improvement pursuant to
192 subparagraph 4.

193 e. A charter school implementing a corrective action that
194 does not improve to a "C" or higher after 2 full school years of
195 implementing the corrective action must select a different
196 corrective action. Implementation of the new corrective action
197 must begin in the school year following the implementation
198 period of the existing corrective action, unless the sponsor
199 determines that the charter school is likely to improve to a "C"
200 or higher if additional time is provided to implement the
201 existing corrective action. Notwithstanding this sub-
202 subparagraph, a charter school that earns a second consecutive
203 grade of "F" while implementing a corrective action is subject
204 to subparagraph 3.

205 3. A charter school's charter contract is automatically
206 terminated if the school earns two consecutive grades of "F"
207 after all school grade appeals are final unless:

208 a. The charter school is established to turn around the
209 performance of a district public school pursuant to s.
210 1008.33(4)(b)2. Such charter schools shall be governed by s.
211 1008.33;

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212 b. The charter school serves a student population the
213 majority of which resides in a school zone served by a district
214 public school subject to s. 1008.33(4) and the charter school
215 earns at least a grade of "D" in its third year of operation.
216 The exception provided under this sub-subparagraph does not
217 apply to a charter school in its fourth year of operation and
218 thereafter; or

219 c. The state board grants the charter school a waiver of
220 termination. The charter school must request the waiver within
221 15 days after the department's official release of school
222 grades. The state board may waive termination if the charter
223 school demonstrates that the Learning Gains of its students on
224 statewide assessments are comparable to or better than the
225 Learning Gains of similarly situated students enrolled in nearby
226 district public schools. The waiver is valid for 1 year and may
227 only be granted once. Charter schools that have been in
228 operation for more than 5 years are not eligible for a waiver
229 under this sub-subparagraph.

230
231 The sponsor shall notify the charter school's governing board,
232 the charter school principal, and the department in writing when
233 a charter contract is terminated under this subparagraph. ~~The~~
234 ~~letter of termination must meet the requirements of paragraph~~
235 ~~(8)(c).~~ A charter terminated under this subparagraph must follow
236 the procedures for dissolution and reversion of public funds

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237 pursuant to paragraphs (8) (d)-(f) and (9) (o) ~~paragraphs (8) (e)-~~
238 ~~(g) and (9) (o)~~.

239 4. The director and a representative of the governing
240 board of a graded charter school that has implemented a school
241 improvement plan under this paragraph shall appear before the
242 sponsor at least once a year to present information regarding
243 the progress of intervention and support strategies implemented
244 by the school pursuant to the school improvement plan and
245 corrective actions, if applicable. The sponsor shall communicate
246 at the meeting, and in writing to the director, the services
247 provided to the school to help the school address its
248 deficiencies.

249 5. Notwithstanding any provision of this paragraph except
250 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
251 at any time pursuant to subsection (8).

252 (20) SERVICES.—

253 (b) If goods and services are made available to the
254 charter school through the contract with the school district,
255 they shall be provided to the charter school at a rate no
256 greater than the district's actual cost unless mutually agreed
257 upon by the charter school and the sponsor in a contract
258 negotiated separately from the charter. When mediation has
259 failed to resolve disputes over contracted services or
260 contractual matters not included in the charter, an appeal may
261 be made to an administrative law judge appointed by the Division

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262 of Administrative Hearings. The administrative law judge has
263 final order authority to rule on the dispute. The administrative
264 law judge shall award the prevailing party reasonable attorney
265 fees and costs incurred during the mediation process,
266 administrative proceeding, and any appeals, to be paid by the
267 party whom the administrative law judge rules against ~~for a~~
268 ~~dispute resolution hearing before the Charter School Appeal~~
269 ~~Commission.~~ To maximize the use of state funds, school districts
270 shall allow charter schools to participate in the sponsor's bulk
271 purchasing program if applicable.

272 Section 17. Subsection (1), paragraph (a) of subsection
273 (2), and paragraph (b) of subsection (3) of section 1002.331,
274 Florida Statutes, are amended to read:

275 1002.331 High-performing charter schools.-

276 (1) A charter school is a high-performing charter school
277 if it:

278 (a) Received at least two school grades of "A" and no
279 school grade below "B," pursuant to s. 1008.34, during each of
280 the previous 3 school years or received at least two consecutive
281 school grades of "A" in the most recent 2 school years.

282 (b) Received an unqualified opinion on each annual
283 financial audit required under s. 218.39 in the most recent 3
284 fiscal years for which such audits are available.

285 (c) Did not receive a financial audit that revealed one or
286 more of the financial emergency conditions set forth in s.

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287 218.503(1) in the most recent 3 fiscal years for which such
288 audits are available. However, this requirement is deemed met
289 for a charter school-in-the-workplace if there is a finding in
290 an audit that the school has the monetary resources available to
291 cover any reported deficiency or that the deficiency does not
292 result in a deteriorating financial condition pursuant to s.
293 1002.345(1) (a) 3.

294

295 For purposes of determining initial eligibility, the
296 requirements of paragraphs (b) and (c) only apply for the most
297 recent 2 fiscal years if the charter school earns two
298 consecutive grades of "A." A virtual charter school established
299 under s. 1002.33 is not eligible for designation as a high-
300 performing charter school.

301 (2) A high-performing charter school is authorized to:

302 (a) Increase its student enrollment once per school year
303 to more than the capacity identified in the charter, but student
304 enrollment may not exceed the ~~current facility~~ capacity of the
305 facility at the time of enrollment. Facility capacity for
306 purposes of grade level expansion shall include any improvements
307 to an existing facility or any new facility in which a majority
308 of the students of the high-performing charter school will
309 enroll.

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311 A high-performing charter school shall notify its sponsor in
312 writing by March 1 if it intends to increase enrollment or
313 expand grade levels the following school year. The written
314 notice shall specify the amount of the enrollment increase and
315 the grade levels that will be added, as applicable. If a charter
316 school notifies the sponsor of its intent to expand, the sponsor
317 shall modify the charter within 90 days to include the new
318 enrollment maximum and may not make any other changes. The
319 sponsor may deny a request to increase the enrollment of a high-
320 performing charter school if the commissioner has declassified
321 the charter school as high-performing. If a high-performing
322 charter school requests to consolidate multiple charters, the
323 sponsor shall have 40 days after receipt of that request to
324 provide an initial draft charter to the charter school. The
325 sponsor and charter school shall have 50 days thereafter to
326 negotiate and notice the charter contract for final approval by
327 the sponsor.

328 (3)

329 (b) A high-performing charter school may not establish
330 more than two ~~one~~ charter schools ~~school~~ within the state under
331 paragraph (a) in any year. A subsequent application to establish
332 a charter school under paragraph (a) may not be submitted unless
333 each charter school established in this manner achieves high-
334 performing charter school status. However, a high-performing
335 charter school may establish more than one charter school within

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336 the state under paragraph (a) in any year if it operates in the
337 area of a persistently low-performing school and serves students
338 from that school.

339 Section 18. Paragraph (d) is added to subsection (10) of
340 section 1002.333, Florida Statutes, to read:

341 1002.333 Persistently low-performing schools.—

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

344 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,
345 funds allocated for the purpose of this subsection which are not
346 disbursed by June 30 of the fiscal year in which the funds are
347 allocated may be carried forward for up to 5 years after the
348 effective date of the original appropriation.

349 Section 19. Paragraph (b) of subsection (1) and present
350 paragraph (c) of subsection (9) of section 1002.37, Florida
351 Statutes, are amended, and a new paragraph (c) is added to
352 subsection (9) of that section, to read:

353 1002.37 The Florida Virtual School.—

354 (1)

355 (b) The mission of the Florida Virtual School is to
356 provide students with technology-based educational opportunities
357 to gain the knowledge and skills necessary to succeed. The
358 school shall serve any student in the state who meets the
359 profile for success in this educational delivery context and
360 shall give priority to:

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361 1. Students who need expanded access to courses in order
362 to meet their educational goals, such as home education students
363 and students in inner-city and rural high schools who do not
364 have access to higher-level courses.

365 2. Students seeking accelerated access in order to obtain
366 a high school diploma at least one semester early.

367 3. Students who are children of an active duty member of
368 the United States Armed Forces who is not stationed in this
369 state whose home of record or state of legal residence is
370 Florida.

371
372 The board of trustees of the Florida Virtual School shall
373 identify appropriate performance measures and standards based on
374 student achievement that reflect the school's statutory mission
375 and priorities, and shall implement an accountability system for
376 the school that includes assessment of its effectiveness and
377 efficiency in providing quality services that encourage high
378 student achievement, seamless articulation, and maximum access.

379 (9)

380 (c) Industry certification examinations, national
381 assessments, and statewide assessments offered by the school
382 district shall be available to all Florida Virtual School
383 students.

384 (d)-(e) Unless an alternative testing site is mutually
385 agreed to by the Florida Virtual School and the school district

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386 or as contracted under s. 1008.24, all industry certification
387 examinations, national assessments, and statewide assessments
388 must be taken at the school to which the student would be
389 assigned according to district school board attendance areas. A
390 school district must provide the student with access to the
391 school's testing facilities and the date and time of the
392 administration of each examination or assessment.

393 Section 20. Paragraph (e) of subsection (2), paragraphs
394 (d) and (h) of subsection (5), subsection (8), paragraph (c) of
395 subsection (9), paragraph (a) of subsection (10), and paragraph
396 (a) of subsection (11) of section 1002.385, Florida Statutes,
397 are amended, and paragraph (p) is added to subsection (5) of
398 that section, to read:

399 1002.385 The Gardiner Scholarship.—

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

401 (e) "Eligible nonprofit scholarship-funding organization"
402 or "organization" means a nonprofit scholarship-funding
403 organization that is approved pursuant to s. 1002.395(15) ~~s.~~
404 ~~1002.395(16)~~.

405 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
406 be used to meet the individual educational needs of an eligible
407 student and may be spent for the following purposes:

408 (d) ~~Enrollment in, or~~ Tuition or fees associated with
409 full-time or part-time enrollment in, a home education program,
410 an eligible private school, an eligible postsecondary

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411 educational institution or a program offered by the
412 postsecondary institution, a private tutoring program authorized
413 under s. 1002.43, a virtual program offered by a department-
414 approved private online provider that meets the provider
415 qualifications specified in s. 1002.45(2)(a), the Florida
416 Virtual School as a private paying student, or an approved
417 online course offered pursuant to s. 1003.499 or s. 1004.0961.

418 (h) Tuition and fees for part-time tutoring services
419 provided by a person who holds a valid Florida educator's
420 certificate pursuant to s. 1012.56; a person who holds an
421 adjunct teaching certificate pursuant to s. 1012.57; a person
422 who has a bachelor's degree or a graduate degree in the subject
423 area in which instruction is given; or a person who has
424 demonstrated a mastery of subject area knowledge pursuant to s.
425 1012.56(5). As used in this paragraph, the term "part-time
426 tutoring services" does not qualify as regular school attendance
427 as defined in s. 1003.01(13)(e).

428 (p) Tuition or fees associated with enrollment in a
429 nationally or internationally recognized research-based training
430 program for a child with a neurological disorder or brain
431 damage.

432
433 A provider of any services receiving payments pursuant to this
434 subsection may not share, refund, or rebate any moneys from the
435 Gardiner Scholarship with the parent or participating student in

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436 any manner. A parent, student, or provider of any services may
437 not bill an insurance company, Medicaid, or any other agency for
438 the same services that are paid for using Gardiner Scholarship
439 funds.

440 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
441 eligible private school may be sectarian or nonsectarian and
442 shall:

443 (a) Comply with all requirements for private schools
444 participating in state school choice scholarship programs
445 pursuant to s. 1002.421.

446 ~~(b) Provide to the organization, upon request, all~~
447 ~~documentation required for the student's participation,~~
448 ~~including the private school's and student's fee schedules.~~

449 ~~(c) Be academically accountable to the parent for meeting~~
450 ~~the educational needs of the student by:~~

451 ~~1. At a minimum, annually providing to the parent a~~
452 ~~written explanation of the student's progress.~~

453 (b)1.2. Annually administer or make administering or
454 ~~making~~ provision for students participating in the program in
455 grades 3 through 10 to take one of the nationally norm-
456 referenced tests identified by the Department of Education or
457 the statewide assessments pursuant to s. 1008.22. Students with
458 disabilities for whom standardized testing is not appropriate
459 are exempt from this requirement. A participating private school
460 shall report a student's scores to the parent.

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461 ~~2.3. Administer Cooperating with the scholarship student~~
462 ~~whose parent chooses to have the student participate in the~~
463 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~
464 ~~school chooses to offer the statewide assessments, administering~~
465 ~~the assessments at the school.~~

466 ~~a. A participating private school may choose to offer and~~
467 ~~administer the statewide assessments to all students who attend~~
468 ~~the private school in grades 3 through 10 and must.~~

469 ~~b. A participating private school shall submit a request~~
470 ~~in writing to the Department of Education by March 1 of each~~
471 ~~year in order to administer the statewide assessments in the~~
472 ~~subsequent school year.~~

473 ~~(d) Employ or contract with teachers who have regular and~~
474 ~~direct contact with each student receiving a scholarship under~~
475 ~~this section at the school's physical location.~~

476 ~~(e) Provide a report from an independent certified public~~
477 ~~accountant who performs the agreed-upon procedures developed~~
478 ~~under s. 1002.395(6) (e) if the private school receives more than~~
479 ~~\$250,000 in funds from scholarships awarded under this section~~
480 ~~in a state fiscal year. A private school subject to this~~
481 ~~paragraph must annually submit the report by September 15 to the~~
482 ~~organization that awarded the majority of the school's~~
483 ~~scholarship funds. The agreed-upon procedures must be conducted~~
484 ~~in accordance with attestation standards established by the~~
485 ~~American Institute of Certified Public Accountants.~~

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486
487 If a private school fails ~~is unable~~ to meet the requirements of
488 this subsection or s. 1002.421 ~~or has consecutive years of~~
489 ~~material exceptions listed in the report required under~~
490 ~~paragraph (e)~~, the commissioner may determine that the private
491 school is ineligible to participate in the scholarship program.

492 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
493 shall:

494 (c) Investigate any written complaint of a violation of
495 this section by a parent, a student, a private school, a public
496 school or a school district, an organization, a provider, or
497 another appropriate party in accordance with the process
498 established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

499 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

500 (a) The Commissioner of Education:

501 1. May suspend or revoke program participation or use of
502 program funds by the student or participation or eligibility of
503 an organization, ~~eligible private school~~, eligible postsecondary
504 educational institution, approved provider, or other party for a
505 violation of this section.

506 2. May determine the length of, and conditions for
507 lifting, a suspension or revocation specified in this
508 subsection.

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509 3. May recover unexpended program funds or withhold
510 payment of an equal amount of program funds to recover program
511 funds that were not authorized for use.

512 4. Shall deny or terminate program participation upon a
513 parent's forfeiture of a Gardiner Scholarship pursuant to
514 subsection (11).

515 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
516 PARTICIPATION.—A parent who applies for program participation
517 under this section is exercising his or her parental option to
518 determine the appropriate placement or the services that best
519 meet the needs of his or her child. The scholarship award for a
520 student is based on a matrix that assigns the student to support
521 Level III services. If a parent receives an IEP and a matrix of
522 services from the school district pursuant to subsection (7),
523 the amount of the payment shall be adjusted as needed, when the
524 school district completes the matrix.

525 (a) To satisfy or maintain program eligibility, including
526 eligibility to receive and spend program payments, the parent
527 must sign an agreement with the organization and annually submit
528 a notarized, sworn compliance statement to the organization to:

529 1. Affirm that the student is enrolled in a program that
530 meets regular school attendance requirements as provided in s.
531 1003.01(13)(b)-(d).

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532 2. Affirm that the program funds are used only for
533 authorized purposes serving the student's educational needs, as
534 described in subsection (5).

535 3. Affirm that the parent is responsible for the education
536 of his or her student by, as applicable:

537 a. Requiring the student to take an assessment in
538 accordance with paragraph (8) (b) ~~paragraph (8) (c)~~;

539 b. Providing an annual evaluation in accordance with s.
540 1002.41(1)(c); or

541 c. Requiring the child to take any preassessments and
542 postassessments selected by the provider if the child is 4 years
543 of age and is enrolled in a program provided by an eligible
544 Voluntary Prekindergarten Education Program provider. A student
545 with disabilities for whom a preassessment and postassessment is
546 not appropriate is exempt from this requirement. A participating
547 provider shall report a student's scores to the parent.

548 4. Affirm that the student remains in good standing with
549 the provider or school if those options are selected by the
550 parent.

551
552 A parent who fails to comply with this subsection forfeits the
553 Gardiner Scholarship.

554 Section 21. Subsections (8) through (14) of section
555 1002.39, Florida Statutes, are renumbered as subsections (7)
556 through (13), respectively, and paragraph (b) of subsection (2),

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557 paragraph (h) of subsection (3), and present subsections (6),
558 (7), and (8) of that section are amended to read:

559 1002.39 The John M. McKay Scholarships for Students with
560 Disabilities Program.—There is established a program that is
561 separate and distinct from the Opportunity Scholarship Program
562 and is named the John M. McKay Scholarships for Students with
563 Disabilities Program.

564 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
565 student with a disability may request and receive from the state
566 a John M. McKay Scholarship for the child to enroll in and
567 attend a private school in accordance with this section if:

568 (b) The parent has obtained acceptance for admission of
569 the student to a private school that is eligible for the program
570 under subsection (7) ~~subsection (8)~~ and has requested from the
571 department a scholarship at least 60 days before the date of the
572 first scholarship payment. The request must be communicated
573 directly to the department in a manner that creates a written or
574 electronic record of the request and the date of receipt of the
575 request. The department must notify the district of the parent's
576 intent upon receipt of the parent's request.

577 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
578 not eligible for a John M. McKay Scholarship:

579 (h) While he or she is not having regular and direct
580 contact with his or her private school teachers at the school's
581 physical location unless he or she is enrolled in the private

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582 school's transition-to-work program pursuant to subsection (9)
583 ~~subsection (10)~~; or

584 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
585 shall:

586 ~~(a) Establish a toll-free hotline that provides parents~~
587 ~~and private schools with information on participation in the~~
588 ~~John M. McKay Scholarships for Students with Disabilities~~
589 ~~Program.~~

590 ~~(b) Annually verify the eligibility of private schools~~
591 ~~that meet the requirements of subsection (8).~~

592 ~~(c) Establish a process by which individuals may notify~~
593 ~~the department of any violation by a parent, private school, or~~
594 ~~school district of state laws relating to program participation.~~
595 ~~The department shall conduct an inquiry of any written complaint~~
596 ~~of a violation of this section, or make a referral to the~~
597 ~~appropriate agency for an investigation, if the complaint is~~
598 ~~signed by the complainant and is legally sufficient. A complaint~~
599 ~~is legally sufficient if it contains ultimate facts that show~~
600 ~~that a violation of this section or any rule adopted by the~~
601 ~~State Board of Education has occurred. In order to determine~~
602 ~~legal sufficiency, the department may require supporting~~
603 ~~information or documentation from the complainant. A department~~
604 ~~inquiry is not subject to the requirements of chapter 120.~~

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605 ~~(d) Require an annual, notarized, sworn compliance~~
606 ~~statement by participating private schools certifying compliance~~
607 ~~with state laws and shall retain such records.~~

608 ~~(e) cross-check the list of participating scholarship~~
609 ~~students with the public school enrollment lists prior to each~~
610 ~~scholarship payment to avoid duplication.~~

611 ~~(f)1. Conduct random site visits to private schools~~
612 ~~participating in the John M. McKay Scholarships for Students~~
613 ~~with Disabilities Program. The purpose of the site visits is~~
614 ~~solely to verify the information reported by the schools~~
615 ~~concerning the enrollment and attendance of students, the~~
616 ~~credentials of teachers, background screening of teachers, and~~
617 ~~teachers' fingerprinting results, which information is required~~
618 ~~by rules of the State Board of Education, subsection (8), and s.~~
619 ~~1002.421. The Department of Education may not make more than~~
620 ~~three random site visits each year and may not make more than~~
621 ~~one random site visit each year to the same private school.~~

622 ~~2. Annually, by December 15, report to the Governor, the~~
623 ~~President of the Senate, and the Speaker of the House of~~
624 ~~Representatives the Department of Education's actions with~~
625 ~~respect to implementing accountability in the scholarship~~
626 ~~program under this section and s. 1002.421, any substantiated~~
627 ~~allegations or violations of law or rule by an eligible private~~
628 ~~school under this program concerning the enrollment and~~
629 ~~attendance of students, the credentials of teachers, background~~

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630 ~~screening of teachers, and teachers' fingerprinting results and~~
631 ~~the corrective action taken by the Department of Education.~~
632 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~
633 ~~(a) The Commissioner of Education:~~
634 ~~1. Shall deny, suspend, or revoke a private school's~~
635 ~~participation in the scholarship program if it is determined~~
636 ~~that the private school has failed to comply with the provisions~~
637 ~~of this section. However, if the noncompliance is correctable~~
638 ~~within a reasonable amount of time and if the health, safety, or~~
639 ~~welfare of the students is not threatened, the commissioner may~~
640 ~~issue a notice of noncompliance which provides the private~~
641 ~~school with a timeframe within which to provide evidence of~~
642 ~~compliance before taking action to suspend or revoke the private~~
643 ~~school's participation in the scholarship program.~~
644 ~~2. May deny, suspend, or revoke a private school's~~
645 ~~participation in the scholarship program if the commissioner~~
646 ~~determines that an owner or operator of the private school is~~
647 ~~operating or has operated an educational institution in this~~
648 ~~state or in another state or jurisdiction in a manner contrary~~
649 ~~to the health, safety, or welfare of the public.~~
650 ~~a. In making such a determination, the commissioner may~~
651 ~~consider factors that include, but are not limited to, acts or~~
652 ~~omissions by an owner or operator which led to a previous denial~~
653 ~~or revocation of participation in an education scholarship~~
654 ~~program; an owner's or operator's failure to reimburse the~~

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655 ~~Department of Education for scholarship funds improperly~~
656 ~~received or retained by a school; imposition of a prior criminal~~
657 ~~sanction related to an owner's or operator's management or~~
658 ~~operation of an educational institution; imposition of a civil~~
659 ~~fine or administrative fine, license revocation or suspension,~~
660 ~~or program eligibility suspension, termination, or revocation~~
661 ~~related to an owner's or operator's management or operation of~~
662 ~~an educational institution; or other types of criminal~~
663 ~~proceedings in which an owner or operator was found guilty of,~~
664 ~~regardless of adjudication, or entered a plea of nolo contendere~~
665 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~
666 ~~or moral turpitude.~~

667 ~~b. For purposes of this subparagraph, the term "owner or~~
668 ~~operator" includes an owner, operator, superintendent, or~~
669 ~~principal of, or a person who has equivalent decisionmaking~~
670 ~~authority over, a private school participating in the~~
671 ~~scholarship program.~~

672 ~~(b) The commissioner's determination is subject to the~~
673 ~~following:~~

674 ~~1. If the commissioner intends to deny, suspend, or revoke~~
675 ~~a private school's participation in the scholarship program, the~~
676 ~~department shall notify the private school of such proposed~~
677 ~~action in writing by certified mail and regular mail to the~~
678 ~~private school's address of record with the department. The~~
679 ~~notification shall include the reasons for the proposed action~~

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680 ~~and notice of the timelines and procedures set forth in this~~
681 ~~paragraph.~~

682 ~~2. The private school that is adversely affected by the~~
683 ~~proposed action shall have 15 days from receipt of the notice of~~
684 ~~proposed action to file with the department's agency clerk a~~
685 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~
686 ~~the private school is entitled to a hearing under s. 120.57(1),~~
687 ~~the department shall forward the request to the Division of~~
688 ~~Administrative Hearings.~~

689 ~~3. Upon receipt of a request referred pursuant to this~~
690 ~~paragraph, the director of the Division of Administrative~~
691 ~~Hearings shall expedite the hearing and assign an administrative~~
692 ~~law judge who shall commence a hearing within 30 days after the~~
693 ~~receipt of the formal written request by the division and enter~~
694 ~~a recommended order within 30 days after the hearing or within~~
695 ~~30 days after receipt of the hearing transcript, whichever is~~
696 ~~later. Each party shall be allowed 10 days in which to submit~~
697 ~~written exceptions to the recommended order. A final order shall~~
698 ~~be entered by the agency within 30 days after the entry of a~~
699 ~~recommended order. The provisions of this subparagraph may be~~
700 ~~waived upon stipulation by all parties.~~

701 ~~(c) The commissioner may immediately suspend payment of~~
702 ~~scholarship funds if it is determined that there is probable~~
703 ~~cause to believe that there is:~~

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704 ~~1. An imminent threat to the health, safety, or welfare of~~
705 ~~the students; or~~

706 ~~2. Fraudulent activity on the part of the private school.~~
707 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
708 ~~activity pursuant to this section, the Department of Education's~~
709 ~~Office of Inspector General is authorized to release personally~~
710 ~~identifiable records or reports of students to the following~~
711 ~~persons or organizations:~~

712 ~~a. A court of competent jurisdiction in compliance with an~~
713 ~~order of that court or the attorney of record in accordance with~~
714 ~~a lawfully issued subpoena, consistent with the Family~~
715 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

716 ~~b. A person or entity authorized by a court of competent~~
717 ~~jurisdiction in compliance with an order of that court or the~~
718 ~~attorney of record pursuant to a lawfully issued subpoena,~~
719 ~~consistent with the Family Educational Rights and Privacy Act,~~
720 ~~20 U.S.C. s. 1232g.~~

721 ~~e. Any person, entity, or authority issuing a subpoena for~~
722 ~~law enforcement purposes when the court or other issuing agency~~
723 ~~has ordered that the existence or the contents of the subpoena~~
724 ~~or the information furnished in response to the subpoena not be~~
725 ~~disclosed, consistent with the Family Educational Rights and~~
726 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

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728 ~~The commissioner's order suspending payment pursuant to this~~
729 ~~paragraph may be appealed pursuant to the same procedures and~~
730 ~~timelines as the notice of proposed action set forth in~~
731 ~~paragraph (b).~~

732 (7)~~(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
733 eligible to participate in the John M. McKay Scholarships for
734 Students with Disabilities Program, a private school may be
735 sectarian or nonsectarian and must:

736 (a) Comply with all requirements for private schools
737 participating in state school choice scholarship programs
738 pursuant to s. 1002.421.

739 (b) Provide to the department all documentation required
740 for a student's participation, including the private school's
741 and student's fee schedules, at least 30 days before any
742 quarterly scholarship payment is made for the student pursuant
743 to paragraph (10) (e) ~~paragraph (11) (e)~~. A student is not
744 eligible to receive a quarterly scholarship payment if the
745 private school fails to meet this deadline.

746 ~~(c) Be academically accountable to the parent for meeting~~
747 ~~the educational needs of the student by:~~

748 ~~1. At a minimum, annually providing to the parent a~~
749 ~~written explanation of the student's progress.~~

750 ~~2. Cooperating with the scholarship student whose parent~~
751 ~~chooses to participate in the statewide assessments pursuant to~~
752 ~~s. 1008.22.~~

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753 ~~(d) Maintain in this state a physical location where a~~
754 ~~scholarship student regularly attends classes.~~

755
756 If The inability of a private school fails to meet the
757 requirements of this subsection or s. 1002.421, the commissioner
758 may determine that the private school is ineligible shall
759 ~~constitute a basis for the ineligibility of the private school~~
760 ~~to participate in the scholarship program as determined by the~~
761 ~~department.~~

762 Section 22. Subsections (12) through (16) of section
763 1002.395, Florida Statutes, are renumbered as subsections (11)
764 through (15), respectively, and paragraph (f) of subsection (2),
765 paragraphs (n), (o), and (p) of subsection (6), and present
766 subsections (8), (9), and (11) of that section are amended to
767 read:

768 1002.395 Florida Tax Credit Scholarship Program.—

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

770 (f) "Eligible nonprofit scholarship-funding organization"
771 means a state university; or an independent college or
772 university that is eligible to participate in the William L.
773 Boyd, IV, Florida Resident Access Grant Program, located and
774 chartered in this state, is not for profit, and is accredited by
775 the Commission on Colleges of the Southern Association of
776 Colleges and Schools; or is a charitable organization that:

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- 777 1. Is exempt from federal income tax pursuant to s.
778 501(c)(3) of the Internal Revenue Code;
- 779 2. Is a Florida entity formed under chapter 605, chapter
780 607, or chapter 617 and whose principal office is located in the
781 state; and
- 782 3. Complies with subsections (6) and (15) ~~subsections (6)~~
783 ~~and (16)~~.
- 784 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
785 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
786 organization:
- 787 (n) Must prepare and submit quarterly reports to the
788 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~
789 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding
790 organization must submit in a timely manner any information
791 requested by the Department of Education relating to the
792 scholarship program.
- 793 (o)1.a. Must participate in the joint development of
794 agreed-upon procedures ~~to be performed by an independent~~
795 ~~certified public accountant as required under paragraph (8)(e)~~
796 ~~if the scholarship-funding organization provided more than~~
797 ~~\$250,000 in scholarship funds to an eligible private school~~
798 ~~under this section~~ during the 2009-2010 state fiscal year. The
799 agreed-upon procedures must uniformly apply to all private
800 schools and must determine, at a minimum, whether the private
801 school has been verified as eligible by the Department of

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802 Education under s. 1002.421 ~~paragraph (9)(c)~~; has an adequate
803 accounting system, system of financial controls, and process for
804 deposit and classification of scholarship funds; and has
805 properly expended scholarship funds for education-related
806 expenses. During the development of the procedures, the
807 participating scholarship-funding organizations shall specify
808 guidelines governing the materiality of exceptions that may be
809 found during the accountant's performance of the procedures. The
810 procedures and guidelines shall be provided to private schools
811 and the Commissioner of Education by March 15, 2011.

812 b. Must participate in a joint review of the agreed-upon
813 procedures and guidelines developed under sub-subparagraph a.,
814 by February of each biennium ~~2013 and biennially thereafter~~, if
815 the scholarship-funding organization provided more than \$250,000
816 in scholarship funds to an eligible private school under this
817 chapter section ~~section~~ during the state fiscal year preceding the
818 biennial review. If the procedures and guidelines are revised,
819 the revisions must be provided to private schools and the
820 Commissioner of Education by March 15 of the year in which the
821 revisions were completed. The revised agreed-upon procedures
822 shall take effect the subsequent school year. For the 2018-2019
823 school year only, the joint review of the agreed-upon procedures
824 must be completed and the revisions submitted to the
825 commissioner no later than September 15, 2018. The revised

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826 procedures are applicable to the 2018-2019 school year, 2013,
827 and biennially thereafter.

828 c. Must monitor the compliance of a private school with
829 s. 1002.421(1)(q) paragraph (8)(e) if the scholarship-funding
830 organization provided the majority of the scholarship funding to
831 the school. For each private school subject to s. 1002.421(1)(q)
832 paragraph (8)(e), the appropriate scholarship-funding
833 organization shall annually notify the Commissioner of Education
834 by October 30, ~~2011, and annually thereafter~~ of:

835 (I) A private school's failure to submit a report required
836 under s. 1002.421(1)(q) paragraph (8)(e); or

837 (II) Any material exceptions set forth in the report
838 required under s. 1002.421(1)(q) paragraph (8)(e).

839 2. Must seek input from the accrediting associations that
840 are members of the Florida Association of Academic Nonpublic
841 Schools and the Department of Education when jointly developing
842 the agreed-upon procedures and guidelines under sub-subparagraph
843 1.a. and conducting a review of those procedures and guidelines
844 under sub-subparagraph 1.b.

845 (p) Must maintain the surety bond or letter of credit
846 required by subsection (15) subsection (16). The amount of the
847 surety bond or letter of credit may be adjusted quarterly to
848 equal the actual amount of undisbursed funds based upon
849 submission by the organization of a statement from a certified
850 public accountant verifying the amount of undisbursed funds. The

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851 requirements of this paragraph are waived if the cost of
852 acquiring a surety bond or letter of credit exceeds the average
853 10-year cost of acquiring a surety bond or letter of credit by
854 200 percent. The requirements of this paragraph are waived for a
855 state university; or an independent college or university which
856 is eligible to participate in the William L. Boyd, IV, Florida
857 Resident Access Grant Program, located and chartered in this
858 state, is not for profit, and is accredited by the Commission on
859 Colleges of the Southern Association of Colleges and Schools.

860

861 Information and documentation provided to the Department of
862 Education and the Auditor General relating to the identity of a
863 taxpayer that provides an eligible contribution under this
864 section shall remain confidential at all times in accordance
865 with s. 213.053.

866 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
867 eligible private school may be sectarian or nonsectarian and
868 must:

869 (a) Comply with all requirements for private schools
870 participating in state school choice scholarship programs
871 pursuant to s. 1002.421.

872 ~~(b) Provide to the eligible nonprofit scholarship funding~~
873 ~~organization, upon request, all documentation required for the~~
874 ~~student's participation, including the private school's and~~
875 ~~student's fee schedules.~~

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876 ~~(c) Be academically accountable to the parent for meeting~~
877 ~~the educational needs of the student by:~~

878 ~~1. At a minimum, annually providing to the parent a~~
879 ~~written explanation of the student's progress.~~

880 ~~(b)1.2. Annually administer or make administering or~~
881 ~~making provision for students participating in the scholarship~~
882 ~~program in grades 3 through 10 to take one of the nationally~~
883 ~~norm-referenced tests identified by the Department of Education~~
884 ~~or the statewide assessments pursuant to s. 1008.22. Students~~
885 ~~with disabilities for whom standardized testing is not~~
886 ~~appropriate are exempt from this requirement. A participating~~
887 ~~private school must report a student's scores to the parent. A~~
888 ~~participating private school must annually report by August 15~~
889 ~~the scores of all participating students to a state university~~
890 ~~the Learning System Institute described in paragraph (9) (f)~~
891 ~~paragraph (9) (j).~~

892 ~~2. Administer 3. Cooperating with the scholarship student~~
893 ~~whose parent chooses to have the student participate in the~~
894 ~~statewide assessments pursuant to s. 1008.22 ~~or~~, if a private~~
895 ~~school chooses to offer the statewide assessments, ~~administering~~~~
896 ~~the assessments at the school.~~

897 ~~a. A participating private school may choose to offer and~~
898 ~~administer the statewide assessments to all students who attend~~
899 ~~the private school in grades 3 through 10 and.~~

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900 ~~b. A participating private school~~ must submit a request in
901 writing to the Department of Education by March 1 of each year
902 in order to administer the statewide assessments in the
903 subsequent school year.

904 ~~(d) Employ or contract with teachers who have regular and~~
905 ~~direct contact with each student receiving a scholarship under~~
906 ~~this section at the school's physical location.~~

907 ~~(e) Provide a report from an independent certified public~~
908 ~~accountant who performs the agreed-upon procedures developed~~
909 ~~under paragraph (6) (c) if the private school receives more than~~
910 ~~\$250,000 in funds from scholarships awarded under this section~~
911 ~~in a state fiscal year. A private school subject to this~~
912 ~~paragraph must annually submit the report by September 15 to the~~
913 ~~scholarship-funding organization that awarded the majority of~~
914 ~~the school's scholarship funds. The agreed-upon procedures must~~
915 ~~be conducted in accordance with attestation standards~~
916 ~~established by the American Institute of Certified Public~~
917 ~~Accountants.~~

918
919 If a private school fails ~~is unable~~ to meet the requirements of
920 this subsection or s. 1002.421 ~~or has consecutive years of~~
921 ~~material exceptions listed in the report required under~~
922 ~~paragraph (e)~~, the commissioner may determine that the private
923 school is ineligible to participate in the scholarship program
924 ~~as determined by the Department of Education.~~

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925 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
926 Education shall:

927 (a) Annually submit to the department and division, by
928 March 15, a list of eligible nonprofit scholarship-funding
929 organizations that meet the requirements of paragraph (2) (f).

930 (b) Annually verify the eligibility of nonprofit
931 scholarship-funding organizations that meet the requirements of
932 paragraph (2) (f).

933 ~~(c) Annually verify the eligibility of private schools
934 that meet the requirements of subsection (8).~~

935 ~~(c)(d)~~ Annually verify the eligibility of expenditures as
936 provided in paragraph (6) (d) using the audit required by
937 paragraph (6) (m) and s. 11.45(2)(l) ~~s. 11.45(2)(k)~~.

938 ~~(e) Establish a toll-free hotline that provides parents
939 and private schools with information on participation in the
940 scholarship program.~~

941 ~~(f) Establish a process by which individuals may notify
942 the Department of Education of any violation by a parent,
943 private school, or school district of state laws relating to
944 program participation. The Department of Education shall conduct
945 an inquiry of any written complaint of a violation of this
946 section, or make a referral to the appropriate agency for an
947 investigation, if the complaint is signed by the complainant and
948 is legally sufficient. A complaint is legally sufficient if it
949 contains ultimate facts that show that a violation of this~~

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950 ~~section or any rule adopted by the State Board of Education has~~
951 ~~occurred. In order to determine legal sufficiency, the~~
952 ~~Department of Education may require supporting information or~~
953 ~~documentation from the complainant. A department inquiry is not~~
954 ~~subject to the requirements of chapter 120.~~

955 ~~(g) Require an annual, notarized, sworn compliance~~
956 ~~statement by participating private schools certifying compliance~~
957 ~~with state laws and shall retain such records.~~

958 ~~(d)-(h)~~ Cross-check the list of participating scholarship
959 students with the public school enrollment lists to avoid
960 duplication.

961 ~~(e)-(i)~~ Maintain a list of nationally norm-referenced tests
962 identified for purposes of satisfying the testing requirement in
963 subparagraph (8) (b)1 ~~subparagraph (8) (c)2~~. The tests must meet
964 industry standards of quality in accordance with State Board of
965 Education rule.

966 ~~(f)-(j)~~ Issue a project grant award to a state university
967 ~~the Learning System Institute at the Florida State University,~~
968 to which participating private schools must report the scores of
969 participating students on the nationally norm-referenced tests
970 or the statewide assessments administered by the private school
971 in grades 3 through 10. The project term is 2 years, and the
972 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The
973 project grant award must be reissued in 2-year intervals in
974 accordance with this paragraph.

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975 1. The state university ~~Learning System Institute~~ must
976 annually report to the Department of Education on the student
977 performance of participating students:

978 a. On a statewide basis. The report shall also include, to
979 the extent possible, a comparison of scholarship students'
980 performance to the statewide student performance of public
981 school students with socioeconomic backgrounds similar to those
982 of students participating in the scholarship program. To
983 minimize costs and reduce time required for the state
984 university's ~~Learning System Institute's~~ analysis and
985 evaluation, the Department of Education shall coordinate with
986 the state university ~~Learning System Institute~~ to provide data
987 to the state university ~~Learning System Institute~~ in order to
988 conduct analyses of matched students from public school
989 assessment data and calculate control group student performance
990 using an agreed-upon methodology with the state university
991 ~~Learning System Institute~~; and

992 b. On an individual school basis. The annual report must
993 include student performance for each participating private
994 school in which at least 51 percent of the total enrolled
995 students in the private school participated in the Florida Tax
996 Credit Scholarship Program in the prior school year. The report
997 shall be according to each participating private school, and for
998 participating students, in which there are at least 30
999 participating students who have scores for tests administered.

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1000 If the state university ~~Learning System Institute~~ determines
1001 that the 30-participating-student cell size may be reduced
1002 without disclosing personally identifiable information, as
1003 described in 34 C.F.R. s. 99.12, of a participating student, the
1004 state university ~~Learning System Institute~~ may reduce the
1005 participating-student cell size, but the cell size must not be
1006 reduced to less than 10 participating students. The department
1007 shall provide each private school's prior school year's student
1008 enrollment information to the state university ~~Learning System~~
1009 ~~Institute~~ no later than June 15 of each year, or as requested by
1010 the state university ~~Learning System Institute~~.

1011 2. The sharing and reporting of student performance data
1012 under this paragraph must be in accordance with requirements of
1013 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1014 Educational Rights and Privacy Act, and the applicable rules and
1015 regulations issued pursuant thereto, and shall be for the sole
1016 purpose of creating the annual report required by subparagraph
1017 1. All parties must preserve the confidentiality of such
1018 information as required by law. The annual report must not
1019 disaggregate data to a level that will identify individual
1020 participating schools, except as required under sub-subparagraph
1021 1.b., or disclose the academic level of individual students.

1022 3. The annual report required by subparagraph 1. shall be
1023 published by the Department of Education on its website.

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1024 ~~(g)-(k)~~ Notify an eligible nonprofit scholarship-funding
1025 organization of any of the organization's identified students
1026 who are receiving educational scholarships pursuant to chapter
1027 1002.

1028 ~~(h)-(l)~~ Notify an eligible nonprofit scholarship-funding
1029 organization of any of the organization's identified students
1030 who are receiving tax credit scholarships from other eligible
1031 nonprofit scholarship-funding organizations.

1032 ~~(i)-(m)~~ Require quarterly reports by an eligible nonprofit
1033 scholarship-funding organization regarding the number of
1034 students participating in the scholarship program, the private
1035 schools at which the students are enrolled, and other
1036 information deemed necessary by the Department of Education.

1037 ~~(n)1. Conduct site visits to private schools participating~~
1038 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~
1039 ~~the site visits is solely to verify the information reported by~~
1040 ~~the schools concerning the enrollment and attendance of~~
1041 ~~students, the credentials of teachers, background screening of~~
1042 ~~teachers, and teachers' fingerprinting results. The Department~~
1043 ~~of Education may not make more than seven site visits each year,~~
1044 ~~however, the department may make additional site visits at any~~
1045 ~~time to any school that has received a notice of noncompliance~~
1046 ~~or a notice of proposed action within the previous 2 years.~~

1047 ~~2. Annually, by December 15, report to the Governor, the~~
1048 ~~President of the Senate, and the Speaker of the House of~~

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1049 ~~Representatives the Department of Education's actions with~~
1050 ~~respect to implementing accountability in the scholarship~~
1051 ~~program under this section and s. 1002.421, any substantiated~~
1052 ~~allegations or violations of law or rule by an eligible private~~
1053 ~~school under this program concerning the enrollment and~~
1054 ~~attendance of students, the credentials of teachers, background~~
1055 ~~screening of teachers, and teachers' fingerprinting results and~~
1056 ~~the corrective action taken by the Department of Education.~~

1057 ~~(j)-(e)~~ Provide a process to match the direct certification
1058 list with the scholarship application data submitted by any
1059 nonprofit scholarship-funding organization eligible to receive
1060 the 3-percent administrative allowance under paragraph (6)(j).

1061 ~~(p)~~ ~~Upon the request of a participating private school,~~
1062 ~~provide at no cost to the school the statewide assessments~~
1063 ~~administered under s. 1008.22 and any related materials for~~
1064 ~~administering the assessments. Students at a private school may~~
1065 ~~be assessed using the statewide assessments if the addition of~~
1066 ~~those students and the school does not cause the state to exceed~~
1067 ~~its contractual caps for the number of students tested and the~~
1068 ~~number of testing sites. The state shall provide the same~~
1069 ~~materials and support to a private school that it provides to a~~
1070 ~~public school. A private school that chooses to administer~~
1071 ~~statewide assessments under s. 1008.22 shall follow the~~
1072 ~~requirements set forth in ss. 1008.22 and 1008.24, rules adopted~~
1073 ~~by the State Board of Education to implement those sections, and~~

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1074 ~~district-level testing policies established by the district~~
1075 ~~school board.~~

1076 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1077 ~~(a)1. The Commissioner of Education shall deny, suspend,~~
1078 ~~or revoke a private school's participation in the scholarship~~
1079 ~~program if it is determined that the private school has failed~~
1080 ~~to comply with the provisions of this section. However, in~~
1081 ~~instances in which the noncompliance is correctable within a~~
1082 ~~reasonable amount of time and in which the health, safety, or~~
1083 ~~welfare of the students is not threatened, the commissioner may~~
1084 ~~issue a notice of noncompliance that shall provide the private~~
1085 ~~school with a timeframe within which to provide evidence of~~
1086 ~~compliance prior to taking action to suspend or revoke the~~
1087 ~~private school's participation in the scholarship program.~~

1088 ~~2. The Commissioner of Education may deny, suspend, or~~
1089 ~~revoke a private school's participation in the scholarship~~
1090 ~~program if the commissioner determines that:~~

1091 ~~a. An owner or operator of a private school has exhibited~~
1092 ~~a previous pattern of failure to comply with this section or s.~~
1093 ~~1002.421; or~~

1094 ~~b. An owner or operator of the private school is operating~~
1095 ~~or has operated an educational institution in this state or~~
1096 ~~another state or jurisdiction in a manner contrary to the~~
1097 ~~health, safety, or welfare of the public.~~

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1099 ~~In making the determination under this subparagraph, the~~
1100 ~~commissioner may consider factors that include, but are not~~
1101 ~~limited to, acts or omissions by an owner or operator that led~~
1102 ~~to a previous denial or revocation of participation in an~~
1103 ~~education scholarship program; an owner's or operator's failure~~
1104 ~~to reimburse the Department of Education or a nonprofit~~
1105 ~~scholarship funding organization for scholarship funds~~
1106 ~~improperly received or retained by a school; imposition of a~~
1107 ~~prior criminal sanction, civil fine, administrative fine,~~
1108 ~~license revocation or suspension, or program eligibility~~
1109 ~~suspension, termination, or revocation related to an owner's or~~
1110 ~~operator's management or operation of an educational~~
1111 ~~institution; or other types of criminal proceedings in which the~~
1112 ~~owner or operator was found guilty of, regardless of~~
1113 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~
1114 ~~any offense involving fraud, deceit, dishonesty, or moral~~
1115 ~~turpitude.~~

1116 ~~(b) The commissioner's determination is subject to the~~
1117 ~~following:~~

1118 ~~1. If the commissioner intends to deny, suspend, or revoke~~
1119 ~~a private school's participation in the scholarship program, the~~
1120 ~~Department of Education shall notify the private school of such~~
1121 ~~proposed action in writing by certified mail and regular mail to~~
1122 ~~the private school's address of record with the Department of~~
1123 ~~Education. The notification shall include the reasons for the~~

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1124 ~~proposed action and notice of the timelines and procedures set~~
1125 ~~forth in this paragraph.~~

1126 ~~2. The private school that is adversely affected by the~~
1127 ~~proposed action shall have 15 days from receipt of the notice of~~
1128 ~~proposed action to file with the Department of Education's~~
1129 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~
1130 ~~and 120.57. If the private school is entitled to a hearing under~~
1131 ~~s. 120.57(1), the Department of Education shall forward the~~
1132 ~~request to the Division of Administrative Hearings.~~

1133 ~~3. Upon receipt of a request referred pursuant to this~~
1134 ~~paragraph, the director of the Division of Administrative~~
1135 ~~Hearings shall expedite the hearing and assign an administrative~~
1136 ~~law judge who shall commence a hearing within 30 days after the~~
1137 ~~receipt of the formal written request by the division and enter~~
1138 ~~a recommended order within 30 days after the hearing or within~~
1139 ~~30 days after receipt of the hearing transcript, whichever is~~
1140 ~~later. Each party shall be allowed 10 days in which to submit~~
1141 ~~written exceptions to the recommended order. A final order shall~~
1142 ~~be entered by the agency within 30 days after the entry of a~~
1143 ~~recommended order. The provisions of this subparagraph may be~~
1144 ~~waived upon stipulation by all parties.~~

1145 ~~(c) The commissioner may immediately suspend payment of~~
1146 ~~scholarship funds if it is determined that there is probable~~
1147 ~~cause to believe that there is:~~

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1148 ~~1. An imminent threat to the health, safety, and welfare~~
1149 ~~of the students;~~

1150 ~~2. A previous pattern of failure to comply with this~~
1151 ~~section or s. 1002.421; or~~

1152 ~~3. Fraudulent activity on the part of the private school.~~
1153 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
1154 ~~activity pursuant to this section, the Department of Education's~~
1155 ~~Office of Inspector General is authorized to release personally~~
1156 ~~identifiable records or reports of students to the following~~
1157 ~~persons or organizations:~~

1158 ~~a. A court of competent jurisdiction in compliance with an~~
1159 ~~order of that court or the attorney of record in accordance with~~
1160 ~~a lawfully issued subpoena, consistent with the Family~~
1161 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1162 ~~b. A person or entity authorized by a court of competent~~
1163 ~~jurisdiction in compliance with an order of that court or the~~
1164 ~~attorney of record pursuant to a lawfully issued subpoena,~~
1165 ~~consistent with the Family Educational Rights and Privacy Act,~~
1166 ~~20 U.S.C. s. 1232g.~~

1167 ~~c. Any person, entity, or authority issuing a subpoena for~~
1168 ~~law enforcement purposes when the court or other issuing agency~~
1169 ~~has ordered that the existence or the contents of the subpoena~~
1170 ~~or the information furnished in response to the subpoena not be~~
1171 ~~disclosed, consistent with the Family Educational Rights and~~
1172 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

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1173
1174 ~~The commissioner's order suspending payment pursuant to this~~
1175 ~~paragraph may be appealed pursuant to the same procedures and~~
1176 ~~timelines as the notice of proposed action set forth in~~
1177 ~~paragraph (b).~~

1178 Section 23. Section 1002.40, Florida Statutes, is created
1179 to read:

1180 1002.40 The Hope Scholarship Program.—

1181 (1) PURPOSE.—The Hope Scholarship Program is established
1182 to provide the parent of a public school student who was
1183 subjected to an incident listed in subsection (3) an opportunity
1184 to transfer the student to another public school or to request a
1185 scholarship for the student to enroll in and attend an eligible
1186 private school.

1187 (2) DEFINITIONS.—As used in this section, the term:

1188 (a) "Dealer" has the same meaning as provided in s.
1189 212.06.

1190 (b) "Department" means the Department of Education.

1191 (c) "Designated agent" has the same meaning as provided in
1192 s. 212.06(10).

1193 (d) "Eligible contribution" or "contribution" means a
1194 monetary contribution from a person purchasing a motor vehicle,
1195 subject to the restrictions provided in this section, to an
1196 eligible nonprofit scholarship-funding organization. The person

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1197 making the contribution may not designate a specific student as
1198 the beneficiary of the contribution.

1199 (e) "Eligible nonprofit scholarship-funding organization"
1200 or "organization" has the same meaning as provided in s.
1201 1002.395(2) (f).

1202 (f) "Eligible private school" has the same meaning as
1203 provided in s. 1002.395(2) (g).

1204 (g) "Motor vehicle" has the same meaning as provided in s.
1205 320.01(1) (a), but does not include a heavy truck, truck tractor,
1206 trailer, or motorcycle.

1207 (h) "Parent" means a resident of this state who is a
1208 parent, as defined in s. 1000.21, and whose student was
1209 subjected to an incident listed in subsection (3).

1210 (i) "Program" means the Hope Scholarship Program.

1211 (j) "School" means any educational program or activity
1212 conducted by a public K-12 educational institution, any school-
1213 related or school-sponsored program or activity, and riding on a
1214 school bus, as defined in s. 1006.25(1), including waiting at a
1215 school bus stop.

1216 (k) "Unweighted FTE funding amount" means the statewide
1217 average total funds per unweighted full-time equivalent funding
1218 amount that is incorporated by reference in the General
1219 Appropriations Act, or by a subsequent special appropriations
1220 act, for the applicable state fiscal year.

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1221 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
1222 school year, contingent upon available funds, and on a first-
1223 come, first-served basis, a student enrolled in a Florida public
1224 school in kindergarten through grade 12 is eligible for a
1225 scholarship under this program if the student has been subjected
1226 to an incident of battery; harassment; hazing; bullying;
1227 kidnapping; physical attack; robbery; sexual offenses,
1228 harassment, assault, or battery; threat or intimidation; or
1229 fighting at school.

1230 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a
1231 student enrolled in a private school may not be made if a
1232 student is:

1233 (a) Enrolled in a public school, including, but not
1234 limited to, the Florida School for the Deaf and the Blind; the
1235 College-Preparatory Boarding Academy; a developmental research
1236 school authorized under s. 1002.32; or a charter school
1237 authorized under s. 1002.33, s. 1002.331, or s. 1002.332;

1238 (b) Enrolled in a school operating for the purpose of
1239 providing educational services to youth in the Department of
1240 Juvenile Justice commitment programs;

1241 (c) Participating in a virtual school, correspondence
1242 school, or distance learning program that receives state funding
1243 pursuant to the student's participation unless the participation
1244 is limited to no more than two courses per school year; or

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1245 (d) Receiving any other educational scholarship pursuant
1246 to this chapter.

1247 (5) TERM OF HOPE SCHOLARSHIP.-For purposes of continuity
1248 of educational choice, a Hope scholarship shall remain in force
1249 until the student returns to public school or graduates from
1250 high school, whichever occurs first. A scholarship student who
1251 enrolls in a public school or public school program is
1252 considered to have returned to a public school for the purpose
1253 of determining the end of the scholarship's term.

1254 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

1255 (a) Upon receipt of a report of an incident listed in
1256 subsection (3), the school principal shall provide a copy of the
1257 report to the parent and investigate the incident to determine
1258 if the incident must be reported as required by s. 1006.09(6).
1259 Upon conclusion of the investigation or within 15 days after the
1260 incident was reported, whichever occurs first, the school
1261 district shall notify the parent of the program and offer the
1262 parent an opportunity to enroll his or her student in another
1263 public school or to request and receive a scholarship to attend
1264 an eligible private school, subject to available funding. A
1265 parent who chooses to enroll his or her student in a public
1266 school located outside the district in which the student resides
1267 pursuant to s. 1002.31 shall be eligible for a scholarship to
1268 transport the student as provided in paragraph (11) (b).

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1269 (b) For each student participating in the program in an
1270 eligible private school who chooses to participate in the
1271 statewide assessments under s. 1008.22 or the Florida Alternate
1272 Assessment, the school district in which the student resides
1273 must notify the student and his or her parent about the
1274 locations and times to take all statewide assessments.

1275 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
1276 eligible private school may be sectarian or nonsectarian and
1277 shall:

1278 (a) Comply with all requirements for private schools
1279 participating in state school choice scholarship programs
1280 pursuant to this section and s. 1002.421.

1281 (b)1. Annually administer or make provision for students
1282 participating in the program in grades 3 through 10 to take one
1283 of the nationally norm-referenced tests identified by the
1284 department or the statewide assessments pursuant to s. 1008.22.
1285 Students with disabilities for whom standardized testing is not
1286 appropriate are exempt from this requirement. A participating
1287 private school shall report a student's scores to his or her
1288 parent.

1289 2. Administer the statewide assessments pursuant to s.
1290 1008.22 if a private school chooses to offer the statewide
1291 assessments. A participating private school may choose to offer
1292 and administer the statewide assessments to all students who
1293 attend the private school in grades 3 through 10 and must submit

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1294 a request in writing to the department by March 1 of each year
1295 in order to administer the statewide assessments in the
1296 subsequent school year.

1297

1298 If a private school fails to meet the requirements of this
1299 subsection or s. 1002.421, the commissioner may determine that
1300 the private school is ineligible to participate in the program.

1301 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1302 shall:

1303 (a) Cross-check the list of participating scholarship
1304 students with the public school enrollment lists to avoid
1305 duplication.

1306 (b) Maintain a list of nationally norm-referenced tests
1307 identified for purposes of satisfying the testing requirement in
1308 paragraph (9) (f). The tests must meet industry standards of
1309 quality in accordance with State Board of Education rule.

1310 (c) Require quarterly reports by an eligible nonprofit
1311 scholarship-funding organization regarding the number of
1312 students participating in the program, the private schools in
1313 which the students are enrolled, and other information deemed
1314 necessary by the department.

1315 (d) Contract with an independent entity to provide an
1316 annual evaluation of the program by:

1317 1. Reviewing the school climate and code of student
1318 conduct of each public school from which 10 or more students

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1319 transferred to another public school or private school using the
1320 Hope scholarship to determine areas in the school or school
1321 district procedures involving reporting, investigating, and
1322 communicating a parent's and student's rights that are in need
1323 of improvement. At a minimum, the review must include:

1324 a. An assessment of the investigation time and quality of
1325 the response of the school and the school district.

1326 b. An assessment of the effectiveness of communication
1327 procedures with the students involved in an incident, the
1328 students' parents, and the school and school district personnel.

1329 c. An analysis of school incident and discipline data.

1330 d. The challenges and obstacles relating to implementing
1331 recommendations from the review.

1332 2. Reviewing the school climate and code of student
1333 conduct of each public school to which a student transferred if
1334 the student was from a school identified in subparagraph 1. in
1335 order to identify best practices and make recommendations to a
1336 public school at which the incidents occurred.

1337 3. Reviewing the performance of participating students
1338 enrolled in a private school in which at least 51 percent of the
1339 total enrolled students in the prior school year participated in
1340 the program and in which there are at least 10 participating
1341 students who have scores for tests administered.

1342 4. Surveying the parents of participating students to
1343 determine academic, safety, and school climate satisfaction and

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1344 to identify any challenges to or obstacles in addressing the
1345 incident or relating to the use of the scholarship.

1346 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1347 PARTICIPATION.—A parent who applies for a Hope scholarship is
1348 exercising his or her parental option to place his or her
1349 student in an eligible private school.

1350 (a) The parent must select an eligible private school and
1351 apply for the admission of his or her student.

1352 (b) The parent must inform the student's school district
1353 when the parent withdraws his or her student to attend an
1354 eligible private school.

1355 (c) Any student participating in the program must remain
1356 in attendance throughout the school year unless excused by the
1357 school for illness or other good cause.

1358 (d) Each parent and each student has an obligation to the
1359 private school to comply with such school's published policies.

1360 (e) Upon reasonable notice to the department and the
1361 school district, the parent may remove the student from the
1362 private school and place the student in a public school in
1363 accordance with this section.

1364 (f) The parent must ensure that the student participating
1365 in the program takes the norm-referenced assessment offered by
1366 the private school. The parent may also choose to have the
1367 student participate in the statewide assessments pursuant to s.
1368 1008.22. If the parent requests that the student take the

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1369 statewide assessments pursuant to s. 1008.22 and the private
1370 school has not chosen to offer and administer the statewide
1371 assessments, the parent is responsible for transporting the
1372 student to the assessment site designated by the school
1373 district.

1374 (g) Upon receipt of a scholarship warrant, the parent to
1375 whom the warrant is made must restrictively endorse the warrant
1376 to the private school for deposit into the account of such
1377 school. If payment is made by funds transfer in accordance with
1378 paragraph (11)(d), the parent must approve each payment before
1379 the scholarship funds may be deposited. The parent may not
1380 designate any entity or individual associated with the
1381 participating private school as the parent's attorney in fact to
1382 endorse a scholarship warrant or approve a funds transfer. A
1383 parent who fails to comply with this paragraph forfeits the
1384 scholarship.

1385 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1386 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1387 organization may establish scholarships for eligible students
1388 by:

1389 (a) Receiving applications and determining student
1390 eligibility in accordance with the requirements of this section.

1391 (b) Notifying parents of their receipt of a scholarship on
1392 a first-come, first-served basis, based upon available funds.

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1393 (c) Establishing a date by which the parent of a
1394 participating student must confirm continuing participation in
1395 the program.

1396 (d) Awarding scholarship funds to eligible students,
1397 giving priority to renewing students from the previous year.

1398 (e) Preparing and submitting quarterly reports to the
1399 department pursuant to paragraph (8)(c). In addition, an
1400 eligible nonprofit scholarship-funding organization must submit
1401 in a timely manner any information requested by the department
1402 relating to the program.

1403 (f) Notifying the department of any violation of this
1404 section.

1405 (11) FUNDING AND PAYMENT.—

1406 (a) The maximum amount awarded to a student enrolled in an
1407 eligible private school shall be determined as a percentage of
1408 the unweighted FTE funding amount for that state fiscal year and
1409 thereafter as follows:

1410 1. Eighty-eight percent for a student enrolled in
1411 kindergarten through grade 5.

1412 2. Ninety-two percent for a student enrolled in grade 6
1413 through grade 8.

1414 3. Ninety-six percent for a student enrolled in grade 9
1415 through grade 12.

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1416 (b) The maximum amount awarded to a student enrolled in a
1417 public school located outside of the district in which the
1418 student resides shall be \$750.

1419 (c) When a student enters the program, the eligible
1420 nonprofit scholarship-funding organization must receive all
1421 documentation required for the student's participation,
1422 including a copy of the report of the incident received pursuant
1423 to subsection (6) and the private school's and student's fee
1424 schedules. The initial payment shall be made after verification
1425 of admission acceptance, and subsequent payments shall be made
1426 upon verification of continued enrollment and attendance at the
1427 private school.

1428 (d) Payment of the scholarship by the eligible nonprofit
1429 scholarship-funding organization may be by individual warrant
1430 made payable to the student's parent or by funds transfer,
1431 including, but not limited to, debit cards, electronic payment
1432 cards, or any other means of payment that the department deems
1433 to be commercially viable or cost-effective. If payment is made
1434 by warrant, the warrant must be delivered by the eligible
1435 nonprofit scholarship-funding organization to the private school
1436 of the parent's choice, and the parent shall restrictively
1437 endorse the warrant to the private school. If payments are made
1438 by funds transfer, the parent must approve each payment before
1439 the scholarship funds may be deposited. The parent may not
1440 designate any entity or individual associated with the

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1441 participating private school as the parent's attorney in fact to
1442 endorse a scholarship warrant or approve a funds transfer.

1443 (e) An eligible nonprofit scholarship-funding organization
1444 shall obtain verification from the private school of a student's
1445 continued attendance at the school for each period covered by a
1446 scholarship payment.

1447 (f) Payment of the scholarship shall be made by the
1448 eligible nonprofit scholarship-funding organization no less
1449 frequently than on a quarterly basis.

1450 (g) An eligible nonprofit scholarship-funding organization
1451 may use up to 3 percent of eligible contributions received
1452 during the state fiscal year in which such contributions are
1453 collected for administrative expenses if the organization has
1454 operated as an eligible nonprofit scholarship-funding
1455 organization for at least the preceding 3 fiscal years and did
1456 not have any findings of material weakness or material
1457 noncompliance in its most recent audit under s. 1002.395(6)(m).
1458 Such administrative expenses must be reasonable and necessary
1459 for the organization's management and distribution of eligible
1460 contributions under this section. Funds authorized under this
1461 paragraph may not be used for lobbying or political activity or
1462 expenses related to lobbying or political activity. Up to one-
1463 third of the funds authorized for administrative expenses under
1464 this paragraph may be used for expenses related to the

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1465 recruitment of contributions. An eligible nonprofit scholarship-
1466 funding organization may not charge an application fee.

1467 (h) Moneys received pursuant to this section do not
1468 constitute taxable income to the qualified student or his or her
1469 parent.

1470 (12) OBLIGATIONS OF THE AUDITOR GENERAL.-

1471 (a) The Auditor General shall conduct an annual
1472 operational audit of accounts and records of each organization
1473 that participates in the program. As part of this audit, the
1474 Auditor General shall verify, at a minimum, the total number of
1475 students served and transmit that information to the department.
1476 The Auditor General shall provide the commissioner with a copy
1477 of each annual operational audit performed pursuant to this
1478 paragraph within 10 days after the audit is finalized.

1479 (b) The Auditor General shall notify the department of any
1480 organization that fails to comply with a request for
1481 information.

1482 (13) SCHOLARSHIP FUNDING TAX CREDITS-

1483 (a) A tax credit is available under s. 212.1832(1) for use
1484 by a person that makes an eligible contribution. Each eligible
1485 contribution is limited to a single payment of \$105 per motor
1486 vehicle purchased at the time of purchase of a motor vehicle or
1487 a single payment of \$105 per motor vehicle purchased at the time
1488 of registration of a motor vehicle that was not purchased from a
1489 dealer. Payments of contributions shall be made to a dealer at

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1490 the time of purchase of a motor vehicle or to a designated agent
1491 or private tag agent at the time of registration of a motor
1492 vehicle that was not purchased from a dealer. An eligible
1493 contribution shall be accompanied by a contribution election
1494 form provided by the Department of Revenue. The form shall
1495 include, at a minimum, a brief description of the Hope
1496 Scholarship Program and a section allowing the consumer to
1497 designate, from all participating scholarship funding
1498 organizations, which organization will receive his or her
1499 donation. For purposes of this subsection, the term "purchase"
1500 does not include the lease or rental of a motor vehicle.

1501 (b) A dealer, designated agent, or private tag agent
1502 shall:

1503 1. Provide the purchaser the contribution election form,
1504 as provided by the Department of Revenue, at the time of
1505 purchase of a motor vehicle or at the time of registration of a
1506 motor vehicle that was not purchased from a dealer.

1507 2. Collect eligible contributions.

1508 3. Using a form provided by the Department of Revenue,
1509 which shall include the dealer's or agent's federal employer
1510 identification number, remit to an organization no later than
1511 the date the return filed pursuant to s. 212.11 is due the total
1512 amount of contributions made to that organization and collected
1513 during the preceding reporting period. The dealer or agent shall
1514 also report this information to the Department of Revenue no

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1515 later than the date the return filed pursuant to s. 212.11 is
1516 due.

1517 4. Report to the Department of Revenue on each return
1518 filed pursuant to s. 212.11 the total amount of credits granted
1519 under s. 212.1832 for the preceding reporting period.

1520 (c) An organization shall report to the Department of
1521 Revenue, on or before the 20th day of each month, the total
1522 amount of contributions received pursuant to paragraph (b) in
1523 the preceding calendar month on a form provided by the
1524 Department of Revenue. Such report shall include:

1525 1. The federal employer identification number of each
1526 designated agent, private tag agent, or dealer who remitted
1527 contributions to the organization during that reporting period.

1528 2. The amount of contributions received from each
1529 designated agent, private tag agent, or dealer during that
1530 reporting period.

1531 (d) A person who, with the intent to unlawfully deprive or
1532 defraud the program of its moneys or the use or benefit thereof,
1533 fails to remit a contribution collected under this section is
1534 guilty of theft, punishable as follows:

1535 1. If the total amount stolen is less than \$300, the
1536 offense is a misdemeanor of the second degree, punishable as
1537 provided in s. 775.082 or s. 775.083. Upon a second conviction,
1538 the offender is guilty of a misdemeanor of the first degree,
1539 punishable as provided in s. 775.082 or s. 775.083. Upon a third

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1540 or subsequent conviction, the offender is guilty of a felony of
1541 the third degree, punishable as provided in s. 775.082, s.
1542 775.083, or s. 775.084.

1543 2. If the total amount stolen is \$300 or more, but less
1544 than \$20,000, the offense is a felony of the third degree,
1545 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1546 3. If the total amount stolen is \$20,000 or more, but less
1547 than \$100,000, the offense is a felony of the second degree,
1548 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1549 4. If the total amount stolen is \$100,000 or more, the
1550 offense is a felony of the first degree, punishable as provided
1551 in s. 775.082, s. 775.083, or s. 775.084.

1552 (e) A person convicted of an offense under paragraph (d)
1553 shall be ordered by the sentencing judge to make restitution to
1554 the organization in the amount that was stolen from the program.

1555 (f) Upon a finding that a dealer failed to remit a
1556 contribution under subparagraph (b)3. for which the dealer
1557 claimed a credit pursuant to s. 212.1832(2), the Department of
1558 Revenue shall notify the dealer of such finding and request
1559 evidence from the dealer that demonstrates the remittance
1560 obligation was met within 30 days after such notice was issued.
1561 If, within 30 days after such notice was issued, the dealer
1562 fails to provide evidence to the Department of Revenue that the
1563 contribution in question was remitted, the Department of Revenue
1564 may impose a civil fine in an amount equal to twice the amount

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1565 of contributions the dealer failed to remit, which fine shall be
1566 transferred into the General Revenue Fund. If the fine is not
1567 paid within 60 days after it is imposed, the Department of
1568 Revenue may bring a civil action under s. 120.69 to recover such
1569 fine.

1570 (g) Any dealer, designated agent, private tag agent, or
1571 organization that fails to timely submit reports to the
1572 Department of Revenue as required in paragraphs (b) and (c) is
1573 subject to a penalty of \$1,000 for every month, or part thereof,
1574 the report is not provided, up to a maximum amount of \$10,000.
1575 Such penalty shall be collected by the Department of Revenue and
1576 shall be transferred into the General Revenue Fund. Such penalty
1577 must be settled or compromised if it is determined by the
1578 Department of Revenue that the noncompliance is due to
1579 reasonable cause and not due to willful negligence, willful
1580 neglect, or fraud.

1581 (14) LIABILITY.—The state is not liable for the award of
1582 or any use of awarded funds under this section.

1583 (15) SCOPE OF AUTHORITY.—This section does not expand the
1584 regulatory authority of this state, its officers, or any school
1585 district to impose additional regulation on participating
1586 private schools beyond those reasonably necessary to enforce
1587 requirements expressly set forth in this section.

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1588 (16) RULES.—The State Board of Education shall adopt rules
1589 to administer this section, except the Department of Revenue
1590 shall adopt rules to administer subsection (13).

1591 Section 24. Section 1002.411, Florida Statutes, is created
1592 to read:

1593 1002.411 Reading scholarship accounts.—

1594 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
1595 accounts are established to provide educational options for
1596 students.

1597 (2) ELIGIBILITY.—Contingent upon available funds, and on a
1598 first-come, first-served basis, each student in grades 3 through
1599 5 who is enrolled in a Florida public school is eligible for a
1600 reading scholarship account if the student scored below a Level
1601 3 on the grade 3 or grade 4 statewide, standardized English
1602 Language Arts (ELA) assessment in the prior school year.

1603 (3) PARENT AND STUDENT RESPONSIBILITIES FOR
1604 PARTICIPATION.—

1605 (a) For an eligible student to receive a reading
1606 scholarship account, the student's parent must:

1607 1. Submit an application to an eligible nonprofit
1608 scholarship-funding organization by the deadline established by
1609 such organization; and

1610 2. Submit eligible expenses to the eligible nonprofit
1611 scholarship-funding organization for reimbursement of qualifying
1612 expenditures, which may include:

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1613 a. Instructional materials.

1614 b. Curriculum. As used in this sub-subparagraph, the term
1615 "curriculum" means a complete course of study for a particular
1616 content area or grade level, including any required supplemental
1617 materials and associated online instruction.

1618 c. Tuition and fees for part-time tutoring services
1619 provided by a person who holds a baccalaureate or graduate
1620 degree in the subject area; a person who holds an adjunct
1621 teaching certificate pursuant to s. 1012.57; or a person who has
1622 demonstrated a mastery of subject area knowledge pursuant to s.
1623 1012.56(5).

1624 d. Fees for summer education programs.

1625 e. Fees for after-school education programs.

1626 f. Specialized services by approved providers or by a
1627 hospital in this state which are selected by the parent. These
1628 specialized services may include, but are not limited to:

1629 (I) Applied behavior analysis services as provided in ss.
1630 627.6686 and 641.31098.

1631 (II) Services provided by speech-language pathologists as
1632 defined in s. 468.1125.

1633 (III) Occupational therapy services as defined in s.
1634 468.203.

1635 (IV) Services provided by physical therapists as defined
1636 in s. 486.021.

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1637 (V) Services provided by listening and spoken language
1638 specialists and an appropriate acoustical environment for a
1639 child who is deaf or hard of hearing and who has received an
1640 implant or assistive hearing device.

1641
1642 A provider of any services receiving payments pursuant to this
1643 subparagraph may not share any moneys from the reading
1644 scholarship with, or provide a refund or rebate of any moneys
1645 from such scholarship to, the parent or participating student in
1646 any manner. A parent, student, or provider of any services may
1647 not bill an insurance company, Medicaid, or any other agency for
1648 the same services that are paid for using reading scholarship
1649 funds.

1650 (b) The parent is responsible for the payment of all
1651 eligible expenses in excess of the amount in the account in
1652 accordance with the terms agreed to between the parent and any
1653 providers and may not receive any refund or rebate of any
1654 expenditures made in accordance with paragraph (a).

1655 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
1656 funding organization participating in the Florida Tax Credit
1657 Scholarship Program established by s. 1002.395 may establish
1658 reading scholarship accounts for eligible students in accordance
1659 with the requirements of eligible nonprofit scholarship-funding
1660 organizations under this chapter.

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1661 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
1662 same duties imposed by this chapter upon the department
1663 regarding oversight of scholarship programs administered by an
1664 eligible nonprofit scholarship-funding organization.

1665 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By
1666 September 30, the school district shall notify the parent of
1667 each student in grades 3 through 5 who scored below a level 3 on
1668 the statewide, standardized ELA assessment in the prior school
1669 year of the process to request and receive a reading
1670 scholarship, subject to available funds.

1671 (7) ACCOUNT FUNDING AND PAYMENT.—

1672 (a) The maximum amount granted for an eligible student
1673 shall be provided in the General Appropriations Act.

1674 (b) One hundred percent of the funds appropriated for the
1675 reading scholarship accounts shall be released to the department
1676 at the beginning of the first quarter of each fiscal year.

1677 (c) Upon notification from the eligible nonprofit
1678 scholarship-funding organization that a student has been
1679 determined eligible for a reading scholarship, the department
1680 shall release the student's scholarship funds to such
1681 organization to be deposited into the student's account.

1682 (d) Accrued interest in the student's account is in
1683 addition to, and not part of, the awarded funds. Account funds
1684 include both the awarded funds and accrued interest.

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1685 (e) The eligible nonprofit scholarship-funding
1686 organization may develop a system for payment of scholarship
1687 funds by funds transfer, including, but not limited to, debit
1688 cards, electronic payment cards, or any other means of payment
1689 that the department deems to be commercially viable or cost-
1690 effective. A student's scholarship award may not be reduced for
1691 debit card or electronic payment fees. Commodities or services
1692 related to the development of such a system shall be procured by
1693 competitive solicitation unless they are purchased from a state
1694 term contract pursuant to s. 287.056.

1695 (f) Payment of the scholarship shall be made by the
1696 eligible nonprofit scholarship-funding organization no less
1697 frequently than on a quarterly basis.

1698 (g) In addition to funds appropriated for scholarships and
1699 subject to a separate, specific legislative appropriation, an
1700 organization may receive an amount equivalent to not more than 3
1701 percent of the amount of each scholarship from state funds for
1702 administrative expenses if the organization has operated as a
1703 nonprofit entity for at least the preceding 3 fiscal years and
1704 did not have any findings of material weakness or material
1705 noncompliance in its most recent audit under s. 1002.395. Such
1706 administrative expenses must be reasonable and necessary for the
1707 organization's management and distribution of scholarships under
1708 this section. Funds authorized under this paragraph may not be
1709 used for lobbying or political activity or expenses related to

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1710 lobbying or political activity. An organization may not charge
1711 an application fee for a scholarship. Administrative expenses
1712 may not be deducted from funds appropriated for scholarships.

1713 (h) Moneys received pursuant to this section do not
1714 constitute taxable income to the qualified student or his or her
1715 parent.

1716 (i) A student's scholarship account must be closed and any
1717 remaining funds shall revert to the state after:

1718 1. Denial or revocation of scholarship eligibility by the
1719 commissioner for fraud or abuse, including, but not limited to,
1720 the student or student's parent accepting any payment, refund,
1721 or rebate, in any manner, from a provider of any services
1722 received pursuant to subsection (3); or

1723 2. Three consecutive fiscal years in which an account has
1724 been inactive.

1725 (8) LIABILITY.—No liability shall arise on the part of the
1726 state based on the award or use of a reading scholarship
1727 account.

1728 Section 25. Section 1002.421, Florida Statutes, is amended
1729 to read:

1730 1002.421 ~~Accountability of private schools participating~~
1731 ~~in~~ State school choice scholarship program accountability and
1732 oversight programs.—

1733 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A Florida
1734 private school participating in the Florida Tax Credit

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1735 ~~Scholarship Program established pursuant to s. 1002.395 or an~~
1736 educational scholarship program established pursuant to this
1737 chapter must be a Florida private school as defined in s.
1738 1002.01(2), be registered, and be in compliance ~~comply~~ with all
1739 requirements of this section in addition to private school
1740 requirements outlined in s. 1002.42, specific requirements
1741 identified within respective scholarship program laws, and other
1742 provisions of Florida law that apply to private schools, and
1743 must:-

1744 ~~(2) A private school participating in a scholarship~~
1745 ~~program must be a Florida private school as defined in s.~~
1746 ~~1002.01(2), must be registered in accordance with s. 1002.42,~~
1747 ~~and must:-~~

1748 (a) Comply with the antidiscrimination provisions of 42
1749 U.S.C. s. 2000d.

1750 (b) Notify the department of its intent to participate in
1751 a scholarship program.

1752 (c) Notify the department of any change in the school's
1753 name, school director, mailing address, or physical location
1754 within 15 days after the change.

1755 (d) Provide to the department or scholarship-funding
1756 organization all documentation required for a student's
1757 participation, including the private school's and student's
1758 individual fee schedule, and ~~Complete student enrollment and~~
1759 ~~attendance verification requirements, including use of an online~~

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1760 attendance verification as required by the department or
1761 scholarship-funding organization form, prior to scholarship
1762 payment.

1763 (e) Annually complete and submit to the department a
1764 notarized scholarship compliance statement certifying that all
1765 school employees and contracted personnel with direct student
1766 contact have undergone background screening pursuant to s.
1767 943.0542 and have met the screening standards of s. 435.04.

1768 (f) Demonstrate fiscal soundness and accountability by:

1769 1. Being in operation for at least 3 school years or
1770 obtaining a surety bond or letter of credit for the amount equal
1771 to the scholarship funds for any quarter and filing the surety
1772 bond or letter of credit with the department.

1773 2. Requiring the parent of each scholarship student to
1774 personally restrictively endorse the scholarship warrant to the
1775 school or approve a funds transfer before any funds are
1776 deposited for a student. The school may not act as attorney in
1777 fact for the parent of a scholarship student under the authority
1778 of a power of attorney executed by such parent, or under any
1779 other authority, to endorse a scholarship warrant or approve a
1780 funds transfer warrants on behalf of such parent.

1781 (g) Meet applicable state and local health, safety, and
1782 welfare laws, codes, and rules, including:

- 1783 1. Firesafety.
1784 2. Building safety.

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1785 (h) Employ or contract with teachers who hold
1786 baccalaureate or higher degrees, have at least 3 years of
1787 teaching experience in public or private schools, or have
1788 special skills, knowledge, or expertise that qualifies them to
1789 provide instruction in subjects taught.

1790 (i) Maintain a physical location in the state at which
1791 each student has regular and direct contact with teachers.

1792 (j) Publish on the school's website, or in a written
1793 format, information for parents regarding the school, including,
1794 but not limited to, programs, services, and the qualifications
1795 of classroom teachers.

1796 (k) At a minimum, provide the parent of each scholarship
1797 student with a written explanation of the student's progress on
1798 a quarterly basis.

1799 (l) Cooperate with a student whose parent chooses to
1800 participate in the statewide assessments pursuant to s. 1008.22.

1801 (m) ~~(i)~~ Require each employee and contracted personnel with
1802 direct student contact, upon employment or engagement to provide
1803 services, to undergo a state and national background screening,
1804 pursuant to s. 943.0542, by electronically filing with the
1805 Department of Law Enforcement a complete set of fingerprints
1806 taken by an authorized law enforcement agency or an employee of
1807 the private school, a school district, or a private company who
1808 is trained to take fingerprints and deny employment to or
1809 terminate an employee if he or she fails to meet the screening

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1810 standards under s. 435.04. Results of the screening shall be
1811 provided to the participating private school. For purposes of
1812 this paragraph:

1813 1. An "employee or contracted personnel with direct
1814 student contact" means any employee or contracted personnel who
1815 has unsupervised access to a scholarship student for whom the
1816 private school is responsible.

1817 2. The costs of fingerprinting and the background check
1818 shall not be borne by the state.

1819 3. Continued employment of an employee or contracted
1820 personnel after notification that he or she has failed the
1821 background screening under this paragraph shall cause a private
1822 school to be ineligible for participation in a scholarship
1823 program.

1824 4. An employee or contracted personnel holding a valid
1825 Florida teaching certificate who has been fingerprinted pursuant
1826 to s. 1012.32 is not required to comply with the provisions of
1827 this paragraph.

1828 ~~5.(3)(a)~~ All fingerprints submitted to the Department of
1829 Law Enforcement as required by this section shall be retained by
1830 the Department of Law Enforcement in a manner provided by rule
1831 and entered in the statewide automated biometric identification
1832 system authorized by s. 943.05(2)(b). Such fingerprints shall
1833 thereafter be available for all purposes and uses authorized for

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1834 arrest fingerprints entered in the statewide automated biometric
1835 identification system pursuant to s. 943.051.

1836 ~~6.(b)~~ The Department of Law Enforcement shall search all
1837 arrest fingerprints received under s. 943.051 against the
1838 fingerprints retained in the statewide automated biometric
1839 identification system under subparagraph 5 ~~paragraph (a)~~. Any
1840 arrest record that is identified with the retained fingerprints
1841 of a person subject to the background screening under this
1842 section shall be reported to the employing school with which the
1843 person is affiliated. Each private school participating in a
1844 scholarship program is required to participate in this search
1845 process by informing the Department of Law Enforcement of any
1846 change in the employment or contractual status of its personnel
1847 whose fingerprints are retained under subparagraph 5 ~~paragraph~~
1848 ~~(a)~~. The Department of Law Enforcement shall adopt a rule
1849 setting the amount of the annual fee to be imposed upon each
1850 private school for performing these searches and establishing
1851 the procedures for the retention of private school employee and
1852 contracted personnel fingerprints and the dissemination of
1853 search results. The fee may be borne by the private school or
1854 the person fingerprinted.

1855 ~~7.(e)~~ Employees and contracted personnel whose
1856 fingerprints are not retained by the Department of Law
1857 Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~
1858 are required to be refingerprinted and must meet state and

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1859 national background screening requirements upon reemployment or
1860 reengagement to provide services in order to comply with the
1861 requirements of this section.

1862 ~~8.(d)~~ Every 5 years following employment or engagement to
1863 provide services with a private school, employees or contracted
1864 personnel required to be screened under this section must meet
1865 screening standards under s. 435.04, at which time the private
1866 school shall request the Department of Law Enforcement to
1867 forward the fingerprints to the Federal Bureau of Investigation
1868 for national processing. If the fingerprints of employees or
1869 contracted personnel are not retained by the Department of Law
1870 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and
1871 contracted personnel must electronically file a complete set of
1872 fingerprints with the Department of Law Enforcement. Upon
1873 submission of fingerprints for this purpose, the private school
1874 shall request that the Department of Law Enforcement forward the
1875 fingerprints to the Federal Bureau of Investigation for national
1876 processing, and the fingerprints shall be retained by the
1877 Department of Law Enforcement under subparagraph 5 ~~paragraph~~
1878 ~~(a)~~.

1879 ~~(4) A private school that accepts scholarship students~~
1880 ~~under s. 1002.39 or s. 1002.395 must:~~

1881 ~~(a) Disqualify instructional personnel and school~~
1882 ~~administrators, as defined in s. 1012.01, from employment in any~~
1883 ~~position that requires direct contact with students if the~~

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1884 ~~personnel or administrators are ineligible for such employment~~
1885 ~~under s. 1012.315.~~

1886 (n) ~~(b)~~ Adopt policies establishing standards of ethical
1887 conduct for instructional personnel and school administrators.
1888 The policies must require all instructional personnel and school
1889 administrators, as defined in s. 1012.01, to complete training
1890 on the standards; establish the duty of instructional personnel
1891 and school administrators to report, and procedures for
1892 reporting, alleged misconduct by other instructional personnel
1893 and school administrators which affects the health, safety, or
1894 welfare of a student; and include an explanation of the
1895 liability protections provided under ss. 39.203 and 768.095. A
1896 private school, or any of its employees, may not enter into a
1897 confidentiality agreement regarding terminated or dismissed
1898 instructional personnel or school administrators, or personnel
1899 or administrators who resign in lieu of termination, based in
1900 whole or in part on misconduct that affects the health, safety,
1901 or welfare of a student, and may not provide the instructional
1902 personnel or school administrators with employment references or
1903 discuss the personnel's or administrators' performance with
1904 prospective employers in another educational setting, without
1905 disclosing the personnel's or administrators' misconduct. Any
1906 part of an agreement or contract that has the purpose or effect
1907 of concealing misconduct by instructional personnel or school
1908 administrators which affects the health, safety, or welfare of a

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1909 student is void, is contrary to public policy, and may not be
1910 enforced.

1911 (o)~~(e)~~ Before employing instructional personnel or school
1912 administrators in any position that requires direct contact with
1913 students, conduct employment history checks of each of the
1914 personnel's or administrators' previous employers, screen the
1915 personnel or administrators through use of the educator
1916 screening tools described in s. 1001.10(5), and document the
1917 findings. If unable to contact a previous employer, the private
1918 school must document efforts to contact the employer.

1919 (p) Require each owner or operator of the private school,
1920 prior to employment or engagement to provide services, to
1921 undergo level 2 background screening as provided under chapter
1922 435. For purposes of this paragraph, the term "owner or
1923 operator" means an owner, operator, superintendent, or principal
1924 of, or a person with equivalent decisionmaking authority over, a
1925 private school participating in a scholarship program
1926 established pursuant to this chapter. The fingerprints for the
1927 background screening must be electronically submitted to the
1928 Department of Law Enforcement and may be taken by an authorized
1929 law enforcement agency or a private company who is trained to
1930 take fingerprints. However, the complete set of fingerprints of
1931 an owner or operator may not be taken by the owner or operator.
1932 The owner or operator shall provide a copy of the results of the
1933 state and national criminal history check to the Department of

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1934 Education. The cost of the background screening may be borne by
1935 the owner or operator.

1936 1. Every 5 years following employment or engagement to
1937 provide services, each owner or operator must meet level 2
1938 screening standards as described in s. 435.04, at which time the
1939 owner or operator shall request the Department of Law
1940 Enforcement to forward the fingerprints to the Federal Bureau of
1941 Investigation for level 2 screening. If the fingerprints of an
1942 owner or operator are not retained by the Department of Law
1943 Enforcement under subparagraph 2., the owner or operator must
1944 electronically file a complete set of fingerprints with the
1945 Department of Law Enforcement. Upon submission of fingerprints
1946 for this purpose, the owner or operator shall request that the
1947 Department of Law Enforcement forward the fingerprints to the
1948 Federal Bureau of Investigation for level 2 screening, and the
1949 fingerprints shall be retained by the Department of Law
1950 Enforcement under subparagraph 2.

1951 2. Fingerprints submitted to the Department of Law
1952 Enforcement as required by this paragraph must be retained by
1953 the Department of Law Enforcement in a manner approved by rule
1954 and entered in the statewide automated biometric identification
1955 system authorized by s. 943.05(2)(b). The fingerprints must
1956 thereafter be available for all purposes and uses authorized for
1957 arrest fingerprints entered in the statewide automated biometric
1958 identification system pursuant to s. 943.051.

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1959 3. The Department of Law Enforcement shall search all
1960 arrest fingerprints received under s. 943.051 against the
1961 fingerprints retained in the statewide automated biometric
1962 identification system under subparagraph 2. Any arrest record
1963 that is identified with an owner's or operator's fingerprints
1964 must be reported to the owner or operator, who must report to
1965 the Department of Education. Any costs associated with the
1966 search shall be borne by the owner or operator.

1967 4. An owner or operator who fails the level 2 background
1968 screening is not eligible to participate in a scholarship
1969 program under this chapter.

1970 5. In addition to the offenses listed in s. 435.04, a
1971 person required to undergo background screening pursuant to this
1972 part or authorizing statutes must not have an arrest awaiting
1973 final disposition for, must not have been found guilty of, or
1974 entered a plea of nolo contendere to, regardless of
1975 adjudication, and must not have been adjudicated delinquent for,
1976 and the record must not have been sealed or expunged for, any of
1977 the following offenses or any similar offense of another
1978 jurisdiction:

1979 a. Any authorizing statutes, if the offense was a felony.

1980 b. This chapter, if the offense was a felony.

1981 c. Section 409.920, relating to Medicaid provider fraud.

1982 d. Section 409.9201, relating to Medicaid fraud.

1983 e. Section 741.28, relating to domestic violence.

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- 1984 f. Section 817.034, relating to fraudulent acts through
1985 mail, wire, radio, electromagnetic, photoelectronic, or
1986 photooptical systems.
- 1987 g. Section 817.234, relating to false and fraudulent
1988 insurance claims.
- 1989 h. Section 817.505, relating to patient brokering.
- 1990 i. Section 817.568, relating to criminal use of personal
1991 identification information.
- 1992 j. Section 817.60, relating to obtaining a credit card
1993 through fraudulent means.
- 1994 k. Section 817.61, relating to fraudulent use of credit
1995 cards, if the offense was a felony.
- 1996 l. Section 831.01, relating to forgery.
- 1997 m. Section 831.02, relating to uttering forged
1998 instruments.
- 1999 n. Section 831.07, relating to forging bank bills, checks,
2000 drafts, or promissory notes.
- 2001 o. Section 831.09, relating to uttering forged bank bills,
2002 checks, drafts, or promissory notes.
- 2003 p. Section 831.30, relating to fraud in obtaining
2004 medicinal drugs.
- 2005 q. Section 831.31, relating to the sale, manufacture,
2006 delivery, or possession with the intent to sell, manufacture, or
2007 deliver any counterfeit controlled substance, if the offense was
2008 a felony.

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2009 6. At least 30 calendar days before a transfer of
2010 ownership of a private school, the owner or operator shall
2011 notify the parent of each scholarship student.

2012 7. The owner or operator of a private school that has been
2013 deemed ineligible to participate in a scholarship program
2014 pursuant to this chapter may not transfer ownership or
2015 management authority of the school to a relative in order to
2016 participate in a scholarship program as the same school or a new
2017 school. For purposes of this subparagraph, the term "relative"
2018 means father, mother, son, daughter, grandfather, grandmother,
2019 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
2020 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2021 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
2022 stepdaughter, stepbrother, stepsister, half-brother, or half-
2023 sister.

2024 (g) Provide a report from an independent certified public
2025 accountant who performs the agreed-upon procedures developed
2026 pursuant to s. 1002.395(6)(o) if the private school receives
2027 more than \$250,000 in funds from scholarships awarded under this
2028 chapter in a state fiscal year. A private school subject to this
2029 subsection must annually submit the report by September 15 to
2030 the scholarship-funding organization that awarded the majority
2031 of the school's scholarship funds. However, a school that
2032 receives more than \$250,000 in scholarship funds only through
2033 the John M. McKay Scholarship for Students with Disabilities

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2034 Program pursuant to s. 1002.39 must submit the report by
2035 September 15 to the department. The agreed-upon procedures must
2036 be conducted in accordance with attestation standards
2037 established by the American Institute of Certified Public
2038 Accountants.

2039

2040 The department shall suspend the payment of funds ~~under ss.~~
2041 ~~1002.39 and 1002.395~~ to a private school that knowingly fails to
2042 comply with this subsection, and shall prohibit the school from
2043 enrolling new scholarship students, for 1 fiscal year and until
2044 the school complies.

2045 ~~(5) If The inability of a private school fails to meet the~~
2046 ~~requirements of this subsection or has consecutive years of~~
2047 ~~material exceptions listed in the report required under~~
2048 ~~paragraph (q), the commissioner may determine that the private~~
2049 ~~school is ineligible section shall constitute a basis for the~~
2050 ~~ineligibility of the private school to participate in a~~
2051 ~~scholarship program as determined by the department.~~

2052 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.-

2053 (a) The Department of Education shall:

2054 1. Annually verify the eligibility of private schools that
2055 meet the requirements of this section, specific requirements
2056 identified within respective scholarship program laws, and other
2057 provisions of state law that apply to private schools.

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2058 2. Establish a toll-free hotline that provides parents and
2059 private schools with information on participation in the
2060 scholarship programs.

2061 3. Establish a process by which individuals may notify the
2062 department of any violation by a parent, private school, or
2063 school district of state laws relating to program participation.
2064 If the department has reasonable cause to believe that a
2065 violation of this section or any rule adopted by the State Board
2066 of Education has occurred, it shall conduct an inquiry or make a
2067 referral to the appropriate agency for an investigation. A
2068 department inquiry is not subject to the requirements of chapter
2069 120.

2070 4. Require an annual, notarized, sworn compliance
2071 statement from participating private schools certifying
2072 compliance with state laws, and retain such records.

2073 5. Coordinate with the entities conducting the health
2074 inspection for a private school to obtain copies of the
2075 inspection reports.

2076 6. Conduct site visits to private schools entering a
2077 scholarship program for the first time. Beginning with the 2019-
2078 2020 school year, a private school is not eligible to receive
2079 scholarship payments until a satisfactory site visit has been
2080 conducted and the school is in compliance with all other
2081 requirements of this section.

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2082 7. Coordinate with the State Fire Marshal to obtain access
2083 to fire inspection reports for private schools. The authority
2084 conducting the fire safety inspection shall certify to the State
2085 Fire Marshal that the annual inspection has been completed and
2086 that the school is in full compliance. The certification shall
2087 be made electronically or by such other means as directed by the
2088 State Fire Marshal.

2089 8. Upon the request of a participating private school
2090 authorized to administer statewide assessments, provide at no
2091 cost to the school the statewide assessments administered under
2092 s. 1008.22 and any related materials for administering the
2093 assessments. Students at a private school may be assessed using
2094 the statewide assessments if the addition of those students and
2095 the school does not cause the state to exceed its contractual
2096 caps for the number of students tested and the number of testing
2097 sites. The state shall provide the same materials and support to
2098 a private school that it provides to a public school. A private
2099 school that chooses to administer statewide assessments under s.
2100 1008.22 shall follow the requirements set forth in ss. 1008.22
2101 and 1008.24, rules adopted by the State Board of Education to
2102 implement those sections, and district-level testing policies
2103 established by the district school board.

2104 (b) The department may conduct site visits to any private
2105 school participating in a scholarship program pursuant to this
2106 chapter that has received a complaint about a violation of state

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2107 law or state board rule pursuant to subparagraph (a)3. or has
2108 received a notice of noncompliance or a notice of proposed
2109 action within the previous 2 years.

2110 (c) Annually, by December 15, the department shall report
2111 to the Governor, the President of the Senate, and the Speaker of
2112 the House of Representatives its actions in implementing
2113 accountability in the scholarship programs under this section,
2114 any substantiated allegations or violations of law or rule by an
2115 eligible private school under this section, and the corrective
2116 action taken.

2117 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-
2118 The Commissioner of Education:

2119 (a) Shall deny, suspend, or revoke a private school's
2120 participation in a scholarship program if it is determined that
2121 the private school has failed to comply with this section or
2122 exhibits a previous pattern of failure to comply. However, if
2123 the noncompliance is correctable within a reasonable amount of
2124 time, not to exceed 45 days, and if the health, safety, or
2125 welfare of the students is not threatened, the commissioner may
2126 issue a notice of noncompliance which provides the private
2127 school with a timeframe within which to provide evidence of
2128 compliance before taking action to suspend or revoke the private
2129 school's participation in the scholarship program.

2130 (b) May deny, suspend, or revoke a private school's
2131 participation in a scholarship program if the commissioner

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2132 determines that an owner or operator of the private school is
2133 operating or has operated an educational institution in this
2134 state or in another state or jurisdiction in a manner contrary
2135 to the health, safety, or welfare of the public or if the owner
2136 or operator has exhibited a previous pattern of failure to
2137 comply with this section or specific requirements identified
2138 within respective scholarship program laws. For purposes of this
2139 subsection, the term "owner or operator" has the same meaning as
2140 provided in paragraph (1) (p).

2141 (c)1. In making such a determination, may consider factors
2142 that include, but are not limited to, acts or omissions by an
2143 owner or operator which led to a previous denial, suspension, or
2144 revocation of participation in a state or federal education
2145 scholarship program; an owner's or operator's failure to
2146 reimburse the department or scholarship-funding organization for
2147 scholarship funds improperly received or retained by a school;
2148 the imposition of a prior criminal sanction related to an
2149 owner's or operator's management or operation of an educational
2150 institution; the imposition of a civil fine or administrative
2151 fine, license revocation or suspension, or program eligibility
2152 suspension, termination, or revocation related to an owner's or
2153 operator's management or operation of an educational
2154 institution; or other types of criminal proceedings in which an
2155 owner or operator was found guilty of, regardless of
2156 adjudication, or entered a plea of nolo contendere or guilty to,

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2157 any offense involving fraud, deceit, dishonesty, or moral
2158 turpitude.

2159 2. The commissioner's determination is subject to the
2160 following:

2161 a. If the commissioner intends to deny, suspend, or revoke
2162 a private school's participation in the scholarship program, the
2163 department shall notify the private school of such proposed
2164 action in writing by certified mail and regular mail to the
2165 private school's address of record with the department. The
2166 notification shall include the reasons for the proposed action
2167 and notice of the timelines and procedures set forth in this
2168 paragraph.

2169 b. The private school that is adversely affected by the
2170 proposed action shall have 15 days after receipt of the notice
2171 of proposed action to file with the department's agency clerk a
2172 request for a proceeding pursuant to ss. 120.569 and 120.57. If
2173 the private school is entitled to a hearing under s. 120.57(1),
2174 the department shall forward the request to the Division of
2175 Administrative Hearings.

2176 c. Upon receipt of a request referred pursuant to this
2177 subparagraph, the director of the Division of Administrative
2178 Hearings shall expedite the hearing and assign an administrative
2179 law judge who shall commence a hearing within 30 days after the
2180 receipt of the formal written request by the division and enter
2181 a recommended order within 30 days after the hearing or within

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2182 30 days after receipt of the hearing transcript, whichever is
2183 later. Each party shall be allowed 10 days in which to submit
2184 written exceptions to the recommended order. A final order shall
2185 be entered by the agency within 30 days after the entry of a
2186 recommended order. The provisions of this sub-subparagraph may
2187 be waived upon stipulation by all parties.

2188 (d) May immediately suspend payment of scholarship funds
2189 if it is determined that there is probable cause to believe that
2190 there is:

2191 1. An imminent threat to the health, safety, or welfare of
2192 the students;

2193 2. A previous pattern of failure to comply with this
2194 section; or

2195 3. Fraudulent activity on the part of the private school.
2196 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
2197 activity pursuant to this section, the department's Office of
2198 Inspector General is authorized to release personally
2199 identifiable records or reports of students to the following
2200 persons or organizations:

2201 a. A court of competent jurisdiction in compliance with an
2202 order of that court or the attorney of record in accordance with
2203 a lawfully issued subpoena, consistent with the Family
2204 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

2205 b. A person or entity authorized by a court of competent
2206 jurisdiction in compliance with an order of that court or the

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2207 attorney of record pursuant to a lawfully issued subpoena,
2208 consistent with the Family Educational Rights and Privacy Act,
2209 20 U.S.C. s. 1232g.

2210 c. Any person, entity, or authority issuing a subpoena for
2211 law enforcement purposes when the court or other issuing agency
2212 has ordered that the existence or the contents of the subpoena
2213 or the information furnished in response to the subpoena not be
2214 disclosed, consistent with the Family Educational Rights and
2215 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

2216
2217 The commissioner's order suspending payment pursuant to this
2218 paragraph may be appealed pursuant to the same procedures and
2219 timelines as the notice of proposed action set forth in
2220 subparagraph (c)2.

2221 (4)(6) The inclusion of eligible private schools within
2222 options available to Florida public school students does not
2223 expand the regulatory authority of the state, its officers, or
2224 any school district to impose any additional regulation of
2225 private schools beyond those reasonably necessary to enforce
2226 requirements expressly set forth in this section.

2227 (5)(7) The State Board of Education shall adopt rules
2228 pursuant to ss. 120.536(1) and 120.54 to administer this
2229 section, including rules to establish a deadline for private
2230 school applications for participation and timelines for the
2231 department to conduct site visits.

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2232 Section 26. Subsection (2) of section 1003.42, Florida
2233 Statutes, is amended to read:

2234 1003.42 Required instruction.—

2235 (2) Members of the instructional staff of the public
2236 schools, subject to the rules of the State Board of Education
2237 and the district school board, shall teach efficiently and
2238 faithfully, using the books and materials required that meet the
2239 highest standards for professionalism and historical accuracy,
2240 following the prescribed courses of study, and employing
2241 approved methods of instruction, the following:

2242 (a) The history and content of the Declaration of
2243 Independence, including national sovereignty, natural law, self-
2244 evident truth, equality of all persons, limited government,
2245 popular sovereignty, and inalienable rights of life, liberty,
2246 and property, and how they form the philosophical foundation of
2247 our government.

2248 (b) The history, meaning, significance, and effect of the
2249 provisions of the Constitution of the United States and
2250 amendments thereto, with emphasis on each of the 10 amendments
2251 that make up the Bill of Rights and how the constitution
2252 provides the structure of our government.

2253 (c) The arguments in support of adopting our republican
2254 form of government, as they are embodied in the most important
2255 of the Federalist Papers.

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2256 (d) Flag education, including proper flag display and flag
2257 salute.

2258 (e) The elements of civil government, including the
2259 primary functions of and interrelationships between the Federal
2260 Government, the state, and its counties, municipalities, school
2261 districts, and special districts.

2262 (f) The history of the United States, including the period
2263 of discovery, early colonies, the War for Independence, the
2264 Civil War, the expansion of the United States to its present
2265 boundaries, the world wars, and the civil rights movement to the
2266 present. American history shall be viewed as factual, not as
2267 constructed, shall be viewed as knowable, teachable, and
2268 testable, and shall be defined as the creation of a new nation
2269 based largely on the universal principles stated in the
2270 Declaration of Independence.

2271 (g) The history of the Holocaust (1933-1945), the
2272 systematic, planned annihilation of European Jews and other
2273 groups by Nazi Germany, a watershed event in the history of
2274 humanity, to be taught in a manner that leads to an
2275 investigation of human behavior, an understanding of the
2276 ramifications of prejudice, racism, and stereotyping, and an
2277 examination of what it means to be a responsible and respectful
2278 person, for the purposes of encouraging tolerance of diversity
2279 in a pluralistic society and for nurturing and protecting
2280 democratic values and institutions.

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2281 (h) The history of African Americans, including the
2282 history of African peoples before the political conflicts that
2283 led to the development of slavery, the passage to America, the
2284 enslavement experience, abolition, and the contributions of
2285 African Americans to society. Instructional materials shall
2286 include the contributions of African Americans to American
2287 society.

2288 (i) The elementary principles of agriculture.

2289 (j) The true effects of all alcoholic and intoxicating
2290 liquors and beverages and narcotics upon the human body and
2291 mind.

2292 (k) Kindness to animals.

2293 (l) The history of the state.

2294 (m) The conservation of natural resources.

2295 (n) Comprehensive health education that addresses concepts
2296 of community health; consumer health; environmental health;
2297 family life, including an awareness of the benefits of sexual
2298 abstinence as the expected standard and the consequences of
2299 teenage pregnancy; mental and emotional health; injury
2300 prevention and safety; Internet safety; nutrition; personal
2301 health; prevention and control of disease; and substance use and
2302 abuse. The health education curriculum for students in grades 7
2303 through 12 shall include a teen dating violence and abuse
2304 component that includes, but is not limited to, the definition
2305 of dating violence and abuse, the warning signs of dating

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2306 | violence and abusive behavior, the characteristics of healthy
2307 | relationships, measures to prevent and stop dating violence and
2308 | abuse, and community resources available to victims of dating
2309 | violence and abuse.

2310 | (o) Such additional materials, subjects, courses, or
2311 | fields in such grades as are prescribed by law or by rules of
2312 | the State Board of Education and the district school board in
2313 | fulfilling the requirements of law.

2314 | (p) The study of Hispanic contributions to the United
2315 | States.

2316 | (q) The study of women's contributions to the United
2317 | States.

2318 | (r) The nature and importance of free enterprise to the
2319 | United States economy.

2320 | (s) A character-development program in the elementary
2321 | schools, similar to Character First or Character Counts, which
2322 | is secular in nature. Beginning in school year 2004-2005, the
2323 | character-development program shall be required in kindergarten
2324 | through grade 12. Each district school board shall develop or
2325 | adopt a curriculum for the character-development program that
2326 | shall be submitted to the department for approval. The
2327 | character-development curriculum shall stress the qualities of
2328 | patriotism; responsibility; citizenship; kindness; respect for
2329 | authority, life, liberty, and personal property; honesty;
2330 | charity; self-control; racial, ethnic, and religious tolerance;

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2331 and cooperation. The character-development curriculum for grades
2332 9 through 12 shall, at a minimum, include instruction on
2333 developing leadership skills, interpersonal skills, organization
2334 skills, and research skills; creating a resume; developing and
2335 practicing the skills necessary for employment interviews;
2336 conflict resolution, workplace ethics, and workplace law;
2337 managing stress and expectations; and developing skills that
2338 enable students to become more resilient and self-motivated.

2339 (t) In order to encourage patriotism, the sacrifices that
2340 veterans and Medal of Honor recipients have made in serving our
2341 country and protecting democratic values worldwide. Such
2342 instruction must occur on or before Medal of Honor Day,
2343 Veterans' Day, and Memorial Day. Members of the instructional
2344 staff are encouraged to use the assistance of local veterans and
2345 Medal of Honor recipients when practicable.

2346
2347 The State Board of Education is encouraged to adopt standards
2348 and pursue assessment of the requirements of this subsection. A
2349 character development program that incorporates the values of
2350 the recipients of the Congressional Medal of Honor and that is
2351 offered as part of a social studies, English Language Arts, or
2352 other schoolwide character building and veteran awareness
2353 initiative meets the requirements of paragraphs (s) and (t).

2354 Section 27. Section 1003.576, Florida Statutes, is amended
2355 to read:

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2356 1003.576 Individual education plans for exceptional
2357 students.—The Department of Education must develop and have an
2358 operating electronic IEP system in place for ~~potential~~ statewide
2359 use ~~no later than July 1, 2007~~. The statewide system shall be
2360 developed collaboratively with school districts and must include
2361 input from school districts currently developing or operating
2362 electronic IEP systems.

2363 Section 28. Subsection (6) of section 1006.07, Florida
2364 Statutes, is amended to read:

2365 1006.07 District school board duties relating to student
2366 discipline and school safety.—The district school board shall
2367 provide for the proper accounting for all students, for the
2368 attendance and control of students at school, and for proper
2369 attention to health, safety, and other matters relating to the
2370 welfare of students, including:

2371 (6) SAFETY AND SECURITY BEST PRACTICES.—Each school
2372 district shall Use the Safety and Security Best Practices
2373 developed by the Office of Program Policy Analysis and
2374 Government Accountability to conduct a security risk assessment
2375 at each public school and conduct a self-assessment of the
2376 school districts' current safety and security practices using a
2377 format prescribed by the department. Based on these assessment
2378 ~~self-assessment~~ findings, the district school superintendent
2379 shall provide recommendations to the district school board which
2380 identify strategies and activities that the district school

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2381 board should implement in order to improve school safety and
2382 security. Annually, each district school board must receive such
2383 findings and the superintendent's recommendations ~~the self-~~
2384 ~~assessment results~~ at a publicly noticed district school board
2385 meeting to provide the public an opportunity to hear the
2386 district school board members discuss and take action on the
2387 ~~report~~ findings and recommendations. Each district school
2388 superintendent shall report such findings ~~the self-assessment~~
2389 ~~results~~ and school board action to the commissioner within 30
2390 days after the district school board meeting.

2391 Section 29. Subsection (13) and paragraph (b) of
2392 subsection (24) of section 1007.271, Florida Statutes, are
2393 amended to read:

2394 1007.271 Dual enrollment programs.—

2395 (13) (a) The dual enrollment program for a home education
2396 student, including, but not limited to, students with
2397 disabilities, consists of the enrollment of an eligible home
2398 education secondary student in a postsecondary course creditable
2399 toward an associate degree, a career certificate, or a
2400 baccalaureate degree. To participate in the dual enrollment
2401 program, an eligible home education secondary student must:

2402 1. Provide proof of enrollment in a home education program
2403 pursuant to s. 1002.41.

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2404 2. Be responsible for his or her own ~~instructional~~
2405 ~~materials~~ and transportation unless provided for in the
2406 articulation agreement.

2407 3. Sign a home education articulation agreement pursuant
2408 to paragraph (b).

2409 (b) Each postsecondary institution eligible to participate
2410 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
2411 enter into a home education articulation agreement with each
2412 home education student seeking enrollment in a dual enrollment
2413 course and the student's parent. By August 1 of each year, the
2414 eligible postsecondary institution shall complete and submit the
2415 home education articulation agreement to the Department of
2416 Education. The home education articulation agreement must
2417 include, at a minimum:

2418 1. A delineation of courses and programs available to
2419 dually enrolled home education students. Courses and programs
2420 may be added, revised, or deleted at any time by the
2421 postsecondary institution.

2422 2. The initial and continued eligibility requirements for
2423 home education student participation, not to exceed those
2424 required of other dually enrolled students.

2425 3. The student's responsibilities for providing his or her
2426 own ~~instructional materials~~ and transportation.

2427 4. A copy of the statement on transfer guarantees
2428 developed by the Department of Education under subsection (15).

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2429 (24)

2430 (b) Each postsecondary institution eligible to participate
2431 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
2432 enter into a private school articulation agreement with each
2433 eligible private school in its geographic service area seeking
2434 to offer dual enrollment courses to its students, including, but
2435 not limited to, students with disabilities. By August 1 of each
2436 year, the eligible postsecondary institution shall complete and
2437 submit the private school articulation agreement to the
2438 Department of Education. The private school articulation
2439 agreement must include, at a minimum:

2440 1. A delineation of courses and programs available to the
2441 private school student. The postsecondary institution may add,
2442 revise, or delete courses and programs at any time.

2443 2. The initial and continued eligibility requirements for
2444 private school student participation, not to exceed those
2445 required of other dual enrollment students.

2446 3. The student's responsibilities for providing his or her
2447 own instructional materials and transportation.

2448 4. A provision clarifying that the private school will
2449 award appropriate credit toward high school completion for the
2450 postsecondary course under the dual enrollment program.

2451 5. A provision expressing that costs associated with
2452 tuition and fees, including registration, and laboratory fees,
2453 will not be passed along to the student.

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2454 ~~6. A provision stating whether the private school will~~
2455 ~~compensate the postsecondary institution for the standard~~
2456 ~~tuition rate per credit hour for each dual enrollment course~~
2457 ~~taken by its students.~~

2458 Section 30. Paragraphs (a) and (d) of subsection (3) and
2459 paragraph (a) of subsection (8) of section 1008.22, Florida
2460 Statutes, are amended to read:

2461 1008.22 Student assessment program for public schools.—

2462 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
2463 Commissioner of Education shall design and implement a
2464 statewide, standardized assessment program aligned to the core
2465 curricular content established in the Next Generation Sunshine
2466 State Standards. The commissioner also must develop or select
2467 and implement a common battery of assessment tools that will be
2468 used in all juvenile justice education programs in the state.
2469 These tools must accurately measure the core curricular content
2470 established in the Next Generation Sunshine State Standards.
2471 Participation in the assessment program is mandatory for all
2472 school districts and all students attending public schools,
2473 including adult students seeking a standard high school diploma
2474 under s. 1003.4282 and students in Department of Juvenile
2475 Justice education programs, except as otherwise provided by law.
2476 If a student does not participate in the assessment program, the
2477 school district must notify the student's parent and provide the
2478 parent with information regarding the implications of such

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2479 nonparticipation. The statewide, standardized assessment program
2480 shall be designed and implemented as follows:

2481 (a) Statewide, standardized comprehensive assessments.—The
2482 statewide, standardized Reading assessment shall be administered
2483 annually in grades 3 through 10. The statewide, standardized
2484 Writing assessment shall be administered annually at least once
2485 at the elementary, middle, and high school levels. When the
2486 Reading and Writing assessments are replaced by English Language
2487 Arts (ELA) assessments, ELA assessments shall be administered to
2488 students in grades 3 through 10. Retake opportunities for the
2489 grade 10 Reading assessment or, upon implementation, the grade
2490 10 ELA assessment must be provided. Students taking the ELA
2491 assessments shall not take the statewide, standardized
2492 assessments in Reading or Writing. Reading passages and writing
2493 prompts for ELA assessments shall incorporate grade-level core
2494 curricula content from social studies ~~be administered online.~~
2495 The statewide, standardized Mathematics assessments shall be
2496 administered annually in grades 3 through 8. Students taking a
2497 revised Mathematics assessment shall not take the discontinued
2498 assessment. The statewide, standardized Science assessment shall
2499 be administered annually at least once at the elementary and
2500 middle grades levels. In order to earn a standard high school
2501 diploma, a student who has not earned a passing score on the
2502 grade 10 Reading assessment or, upon implementation, the grade
2503 10 ELA assessment must earn a passing score on the assessment

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2504 | retake or earn a concordant score as authorized under subsection
2505 | (9).

2506 | (d) Implementation schedule.—

2507 | 1. The Commissioner of Education shall establish and
2508 | publish on the department's website an implementation schedule
2509 | to transition from the statewide, standardized Reading and
2510 | Writing assessments to the ELA assessments and to the revised
2511 | Mathematics assessments, including the Algebra I and Geometry
2512 | EOC assessments. The schedule must take into consideration
2513 | funding, sufficient field and baseline data, access to
2514 | assessments, instructional alignment, and school district
2515 | readiness to administer the assessments online. All such
2516 | assessments must be delivered through computer-based testing,
2517 | ~~however, the following assessments must be delivered in a~~
2518 | ~~computer-based format, as follows: the grade 3 Mathematics~~
2519 | ~~assessment beginning in the 2016-2017 school year; the grade 4~~
2520 | ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
2521 | ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
2522 | ~~school year.~~ Notwithstanding the requirements of this
2523 | subparagraph, statewide, standardized ELA and mathematics
2524 | assessments in grades 3 through 6 must be delivered only in a
2525 | paper-based format, ~~beginning with the 2017-2018 school year,~~
2526 | ~~and all such assessments must be paper-based~~ no later than the
2527 | 2018-2019 school year, and statewide, standardized ELA and

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2528 mathematics assessments in grades 7 and 8 must be delivered only
2529 in a paper-based format no later than the 2019-2020 school year.

2530 2. The Department of Education shall publish minimum and
2531 recommended technology requirements that include specifications
2532 for hardware, software, networking, security, and broadband
2533 capacity to facilitate school district compliance with the
2534 requirements of this section.

2535 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
2536 the statewide assessment program, in any procurement for the ELA
2537 assessment in grades 3 through 10 and the mathematics assessment
2538 in grades 3 through 8, the Department of Education shall solicit
2539 cost proposals for publication of the state assessments on its
2540 website in accordance with this subsection.

2541 (a) The department shall publish each assessment
2542 administered under paragraph (3) (a) and subparagraph (3) (b) 1.,
2543 excluding assessment retakes, at least once on a triennial basis
2544 pursuant to a schedule determined by the Commissioner of
2545 Education. Each assessment, when published, must have been
2546 administered during the most recent school year and be in a
2547 format that facilitates the sharing of assessment items.

2548 Section 31. Subsection (2) of section 1010.20, Florida
2549 Statutes, is amended to read:

2550 1010.20 Cost accounting and reporting for school
2551 districts.—

2552 (2) COST REPORTING.—

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2553 (a) Each district shall report on a district-aggregate
2554 basis expenditures for inservice training pursuant to s.
2555 1011.62(3) and for categorical programs as provided in s.
2556 1011.62(6).

2557 (b) Each district shall report to the department on a
2558 school-by-school and on an aggregate district basis expenditures
2559 for:

2560 1. Each program funded in s. 1011.62(1)(c).

2561 2. Total operating costs as reported pursuant to s.
2562 1010.215.

2563 3. Expenditures for classroom instruction pursuant to the
2564 calculation in s. 1010.215(4)(b)1. and 2.

2565 (c) The department shall:

2566 1. Categorize all public schools and public school
2567 districts into appropriate groups based primarily on average
2568 full-time equivalent student enrollment as reported on the most
2569 recent student membership survey under s. 1011.62 and in state
2570 board rule to determine groups of peer schools and districts.

2571 2. Annually calculate for each public school, public
2572 school district, and the entire state the percentage of
2573 classroom expenditures to total operating expenditures reported
2574 in subparagraphs (b)2. and 3. The results shall be categorized
2575 pursuant to this paragraph.

2576 3. Annually calculate for all public schools, public
2577 school districts, and the state the average percentage of

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2578 classroom expenditures to total operating expenditures reported
2579 in subparagraphs (b)2. and 3. The results shall be categorized
2580 pursuant to this paragraph.

2581 4. Develop a web-based fiscal transparency tool that
2582 identifies public schools and public school districts that
2583 produce high academic achievement based on the ratio of
2584 classroom instruction expenditures to total expenditures. The
2585 fiscal transparency tool shall combine the data calculated
2586 pursuant to this paragraph with the student performance
2587 measurements calculated pursuant to s. 1012.34(7) to determine
2588 the financial efficiency of each public school and public school
2589 district. The results shall be displayed in an easy-to-use
2590 format that enables the user to compare performance among public
2591 schools and public school districts.

2592 (d)(e) The Commissioner of Education shall present to the
2593 Legislature, prior to the opening of the regular session each
2594 year, a district-by-district report of the expenditures reported
2595 pursuant to paragraphs (a) and (b). The report shall include
2596 total expenditures, a detailed analysis showing expenditures for
2597 each program, and such other data as may be useful for
2598 management of the education system. The Commissioner of
2599 Education shall also compute cost factors relative to the base
2600 student allocation for each funded program in s. 1011.62(1)(c).

2601 Section 32. Subsection (2) of section 1010.30, Florida
2602 Statutes, is amended to read:

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2603 | 1010.30 Audits required.—

2604 | (2) If an audit contains a significant deficiency or
2605 | material weakness finding, the district school board, the
2606 | Florida College System institution board of trustees, or the
2607 | university board of trustees shall conduct an audit overview
2608 | during a public meeting. The audit overview shall describe the
2609 | corrective action to be taken and a timeline for completion of
2610 | such action.

2611 | Section 33. Paragraph (a) of subsection (3) of section
2612 | 1011.01, Florida Statutes, is amended to read:

2613 | 1011.01 Budget system established.—

2614 | (3)(a) Each district school board and each Florida College
2615 | System institution board of trustees shall prepare, adopt, and
2616 | submit to the Commissioner of Education an annual operating
2617 | budget. Operating budgets shall be prepared and submitted in
2618 | accordance with the provisions of law, rules of the State Board
2619 | of Education, the General Appropriations Act, and for district
2620 | school boards in accordance with the provisions of s. 200.065
2621 | ~~ss. 200.065 and 1011.64.~~

2622 | Section 34. Subsection (2) of section 1011.03, Florida
2623 | Statutes, is amended to read:

2624 | 1011.03 Public hearings; budget to be submitted to
2625 | Department of Education.—

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2626 ~~(2) The advertisement of a district that has been required~~
2627 ~~by the Legislature to increase classroom expenditures pursuant~~
2628 ~~to s. 1011.64 must include the following statement:~~
2629 ~~"This proposed budget reflects an increase in classroom~~
2630 ~~expenditures as a percent of total current operating~~
2631 ~~expenditures of XX percent over the (previous fiscal year)~~
2632 ~~fiscal year. This increase in classroom expenditures is required~~
2633 ~~by the Legislature because the district has performed below the~~
2634 ~~required performance standard on XX of XX student performance~~
2635 ~~standards for the (previous school year) school year. In order~~
2636 ~~to achieve the legislatively required level of classroom~~
2637 ~~expenditures as a percentage of total operating expenditures,~~
2638 ~~the proposed budget includes an increase in overall classroom~~
2639 ~~expenditures of \$XX,XXX,XXX above the amount spent for this same~~
2640 ~~purpose during the (previous fiscal year) fiscal year. In order~~
2641 ~~to achieve improved student academic performance, this proposed~~
2642 ~~increase is being budgeted for the following activities:~~
2643 ~~...(list activities and amount budgeted)...."~~

2644 Section 35. Subsection (2) of section 1011.035, Florida
2645 Statutes, is amended to read:

2646 1011.035 School district fiscal budget transparency.-

2647 (2) Each district school board shall post on its website a
2648 plain language version of each proposed, tentative, and official
2649 budget which describes each budget item in terms that are easily
2650 understandable to the public and includes:

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- 2651 (a) Graphical representations, for each public school
2652 within the district and for the school district, of the
2653 following:
- 2654 1. Summary financial efficiency data.
2655 2. Fiscal trend information for the previous 3 years on:
2656 a. The ratio of full-time equivalent students to full-time
2657 equivalent instructional personnel.
2658 b. The ratio of full-time equivalent students to full-time
2659 equivalent administrative personnel.
2660 c. The total operating expenditures per full-time
2661 equivalent student.
2662 d. The total instructional expenditures per full-time
2663 equivalent student.
2664 e. The general administrative expenditures as a percentage
2665 of the total budget.
2666 f. The rate of change in the general fund's ending fund
2667 balance which is not classified as restricted.
- 2668 (b) A link to the web-based fiscal transparency tool
2669 developed by the department pursuant to s. 1010.20 to enable
2670 taxpayers to evaluate the financial efficiency of the school
2671 district and compare the financial efficiency of the school
2672 district with other similarly situated school districts.
2673

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2674 This information must be prominently posted on the school
2675 district's website in a manner that is readily accessible to the
2676 public.

2677 Section 36. Subsections (1) and (2) of section 1011.051,
2678 Florida Statutes, are amended to read:

2679 1011.051 Guidelines for general funds.—The district school
2680 board shall maintain a general fund ending fund balance that is
2681 sufficient to address normal contingencies.

2682 (1) If at any time the portion of the general fund's
2683 ending fund balance not classified as restricted, committed, or
2684 nonspendable in the district's approved operating budget is
2685 projected to fall below 3 percent of projected general fund
2686 revenues during the current fiscal year, the superintendent
2687 shall provide written notification to the district school board
2688 and the Commissioner of Education. If such financial condition
2689 exists for 2 consecutive fiscal years, the superintendent shall
2690 reduce the district's administrative expenditures reported
2691 pursuant to s. 1010.215(4)(a) in proportion to the reduction in
2692 the general fund's ending balance or the reduction in student
2693 enrollment, whichever is greater.

2694 (2) (a) If at any time the portion of the general fund's
2695 ending fund balance not classified as restricted, committed, or
2696 nonspendable in the district's approved operating budget is
2697 projected to fall below 2 percent of projected general fund
2698 revenues during the current fiscal year, the superintendent

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2699 shall provide written notification to the district school board
2700 and the Commissioner of Education. Within 14 days after
2701 receiving such notification, if the commissioner determines that
2702 the district does not have a plan that is reasonably anticipated
2703 to avoid a financial emergency as determined pursuant to s.
2704 218.503, the commissioner shall appoint a financial emergency
2705 board that shall operate under the requirements, powers, and
2706 duties specified in s. 218.503(3)(g).

2707 (b) If any of the conditions identified in s. 218.503(1)
2708 existed in the 2015-2016 school year or thereafter, the
2709 department shall contract with an independent third party to
2710 conduct an investigation of all accounts and records to
2711 determine the cause of the deficit; what efforts, if any, were
2712 made to avoid the deficit; and whether any of the conditions
2713 identified in s. 1011.10 have occurred. The investigation must
2714 include a detailed review and analysis of documents and records,
2715 including, but not limited to, budget reports, journal entries,
2716 budget methodologies, staff emails, hard copy records, monthly
2717 financial statements, quarterly revenue and expenditure reports,
2718 finance staff job descriptions, and minutes from meetings. The
2719 results of the investigation must include recommendations for
2720 corrective action and controls to avoid a reoccurrence of a
2721 future budget shortfall. A final report shall be provided to the
2722 district school board, the department, the Legislative Auditing

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2723 Committee, and the district's financial emergency board, if
2724 applicable.

2725 Section 37. Subsection (2) of section 1011.06, Florida
2726 Statutes, is amended to read:

2727 1011.06 Expenditures.—

2728 (2) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.—

2729 Expenditures from district and all other funds available for the
2730 public school program of any district shall be authorized by law
2731 and must be in accordance with procedures prescribed by the
2732 district school board. A district school board may establish
2733 policies that allow expenditures to exceed the amount budgeted
2734 by function and object, provided that the district school board
2735 complies with s. 1011.09(4) and approves the expenditure by
2736 amending and amends the budget at the next scheduled public
2737 meeting. The district school board must provide a full
2738 explanation of any amendments at the public meeting ~~within~~
2739 timelines established by school board policies.

2740 Section 38. Subsection (4) of section 1011.09, Florida
2741 Statutes, is amended to read:

2742 1011.09 Expenditure of funds by district school board.—All
2743 state funds apportioned to the credit of any district constitute
2744 a part of the district school fund of that district and must be
2745 budgeted and expended under authority of the district school
2746 board subject to the provisions of law and rules of the State
2747 Board of Education.

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2748 (4) If the financial conditions in s. 1011.051 exist, a
2749 district school board ~~During the 2009-2010 fiscal year, unless~~
2750 ~~otherwise specifically approved by the district school board,~~
2751 ~~public funds~~ may not make expenditures ~~be expended~~ for ~~out-of-~~
2752 ~~state~~ travel outside of the district or cellular phones,
2753 cellular phone service, personal digital assistants, or any
2754 other mobile wireless communication device or service, including
2755 text messaging, whether through purchasing, leasing,
2756 contracting, or any other method, while the financial conditions
2757 exist. The expenditure of public funds for art programs, music
2758 programs, sports programs, and extracurricular programs for
2759 students is a higher priority than expending funds for employee
2760 travel and cellular phones.

2761 Section 39. Subsection (3) is added to section 1011.10,
2762 Florida Statutes, to read:

2763 1011.10 Penalty.—

2764 (3) If any of the conditions identified in s. 218.503(1)
2765 exist within a school district, the salary of each district
2766 school board member and district school superintendent,
2767 calculated pursuant to ss. 1001.395 and 1001.47, shall be
2768 withheld until the conditions are corrected.

2769 Section 40. Subsection (8) of section 1011.60, Florida
2770 Statutes, is amended to read:

2771 1011.60 Minimum requirements of the Florida Education
2772 Finance Program.—Each district which participates in the state

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2773 appropriations for the Florida Education Finance Program shall
2774 provide evidence of its effort to maintain an adequate school
2775 program throughout the district and shall meet at least the
2776 following requirements:

2777 ~~(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS. Comply~~
2778 ~~with the minimum classroom expenditure requirements and~~
2779 ~~associated reporting pursuant to s. 1011.64.~~

2780 Section 41. Paragraphs (f), (o), and (t) of subsection
2781 (1), paragraph (b) of subsection (6), and paragraphs (a), (c),
2782 and (d) of subsection (9) of section 1011.62, Florida Statutes,
2783 are amended to read:

2784 1011.62 Funds for operation of schools.—If the annual
2785 allocation from the Florida Education Finance Program to each
2786 district for operation of schools is not determined in the
2787 annual appropriations act or the substantive bill implementing
2788 the annual appropriations act, it shall be determined as
2789 follows:

2790 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
2791 OPERATION.—The following procedure shall be followed in
2792 determining the annual allocation to each district for
2793 operation:

2794 (f) Supplemental academic instruction allocation;
2795 ~~category fund.~~—

2796 1. There is created the supplemental academic instruction
2797 allocation ~~a category fund~~ to provide supplemental academic

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2798 instruction to students in kindergarten through grade 12. ~~This~~
2799 ~~paragraph may be cited as the "Supplemental Academic Instruction~~
2800 ~~Categorical Fund."~~

2801 2. The supplemental academic instruction allocation shall
2802 be provided annually in the Florida Education Finance Program as
2803 specified in the General Appropriations Act. These funds are
2804 ~~eategorical fund is~~ in addition to the funds appropriated on the
2805 basis of FTE student membership in the Florida Education Finance
2806 Program and shall be included in the total potential funds of
2807 each district. Beginning with the 2018-2019 fiscal year, These
2808 ~~funds shall be used to provide supplemental academic instruction~~
2809 ~~to students enrolled in the K-12 program.~~ each school district
2810 that has a school earning a grade of "D" or "F" pursuant to s.
2811 1008.34 must use that school's portion of the supplemental
2812 academic instruction allocation to implement the intervention
2813 and support strategies for school improvement pursuant to s.
2814 1008.33 and for salary incentives pursuant to s. 1012.2315(3) or
2815 salary supplements pursuant to s. 1012.22(1)(c)5.c. that are
2816 provided through a memorandum of understanding between the
2817 collective bargaining agent and the school board that addresses
2818 the selection, placement, and expectations of instructional
2819 personnel and school administrators. For all other schools, the
2820 school district's use of the supplemental academic instruction
2821 allocation ~~one or more of the 300 lowest-performing elementary~~
2822 ~~schools based on the state reading assessment for the prior year~~

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2823 ~~shall use these funds, together with the funds provided in the~~
2824 ~~district's research-based reading instruction allocation and~~
2825 ~~other available funds, to provide an additional hour of~~
2826 ~~instruction beyond the normal school day for each day of the~~
2827 ~~entire school year for intensive reading instruction for the~~
2828 ~~students in each of these schools. This additional hour of~~
2829 ~~instruction must be provided by teachers or reading specialists~~
2830 ~~who have demonstrated effectiveness in teaching reading or by a~~
2831 ~~K-5 mentoring reading program that is supervised by a teacher~~
2832 ~~who is effective at teaching reading. Students enrolled in these~~
2833 ~~schools who have level 5 assessment scores may participate in~~
2834 ~~the additional hour of instruction on an optional basis.~~
2835 ~~Exceptional student education centers shall not be included in~~
2836 ~~the 300 schools. The designation of the 300 lowest-performing~~
2837 ~~elementary schools must be based on the state reading assessment~~
2838 ~~for the prior year. After this requirement has been met,~~
2839 ~~supplemental instruction strategies may include, but is are not~~
2840 ~~limited to, the use of a modified curriculum, reading~~
2841 ~~instruction, after-school instruction, tutoring, mentoring, a~~
2842 ~~reduction in class size, extended school year, intensive skills~~
2843 ~~development in summer school, dropout prevention programs as~~
2844 ~~defined in ss. 1003.52 and 1003.53(1) (a), (b), and (c), and~~
2845 ~~other methods of improving student achievement. Supplemental~~
2846 ~~academic instruction may be provided to a student in any manner~~
2847 ~~and at any time during or beyond the regular 180-day term~~

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2848 identified by the school as being the most effective and
2849 efficient way to best help that student progress from grade to
2850 grade and to graduate.

2851 ~~3. Categorical funds for supplemental academic instruction~~
2852 ~~shall be provided annually in the Florida Education Finance~~
2853 ~~Program as specified in the General Appropriations Act. These~~
2854 ~~funds shall be provided as a supplement to the funds~~
2855 ~~appropriated for the basic funding level and shall be included~~
2856 ~~in the total funds of each district. The supplemental academic~~
2857 ~~instruction allocation shall consist of a base amount that has a~~
2858 ~~workload adjustment based on changes in unweighted FTE. ~~In~~~~
2859 ~~addition, districts that have elementary schools included in the~~
2860 ~~300 lowest performing schools designation shall be allocated~~
2861 ~~additional funds to assist those districts in providing~~
2862 ~~intensive reading instruction to students in those schools. The~~
2863 ~~amount provided shall be based on each district's level of per-~~
2864 ~~student funding in the reading instruction allocation and the~~
2865 ~~supplemental academic instruction categorical fund and on the~~
2866 ~~total FTE for each of the schools. The supplemental academic~~
2867 ~~instruction allocation categorical funding shall be recalculated~~
2868 ~~during the fiscal year following an updated designation of the~~
2869 ~~300 lowest performing elementary schools and shall be based on~~
2870 ~~actual student membership from the FTE surveys. Upon~~
2871 ~~recalculation of funding for the supplemental academic~~
2872 ~~instruction allocation categorical fund, if the total allocation~~

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2873 is greater than the amount provided in the General
2874 Appropriations Act, the allocation shall be prorated to the
2875 level provided to support the appropriation, based on each
2876 district's share of the total.

2877 4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on
2878 the basis of FTE membership beyond the 180-day regular term
2879 shall be provided in the FEFP only for students enrolled in
2880 juvenile justice education programs or in education programs for
2881 juveniles placed in secure facilities or programs under s.
2882 985.19. Funding for instruction beyond the regular 180-day
2883 school year for all other K-12 students shall be provided
2884 through the supplemental academic instruction allocation and
2885 other state, federal, and local fund sources with ample
2886 flexibility for schools to provide supplemental instruction to
2887 assist students in progressing from grade to grade and
2888 graduating.

2889 5. ~~The Florida State University School, as a lab school,~~
2890 ~~is authorized to expend from its FEFP or Lottery Enhancement~~
2891 ~~Trust Fund allocation the cost to the student of remediation in~~
2892 ~~reading, writing, or mathematics for any graduate who requires~~
2893 ~~remediation at a postsecondary educational institution.~~

2894 6. ~~Beginning in the 1999-2000 school year, dropout~~
2895 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~
2896 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~
2897 ~~under subparagraph (d)3.~~

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2898 (o) Calculation of additional full-time equivalent
2899 membership based on successful completion of a career-themed
2900 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or
2901 courses with embedded CAPE industry certifications or CAPE
2902 Digital Tool certificates, and issuance of industry
2903 certification identified on the CAPE Industry Certification
2904 Funding List pursuant to rules adopted by the State Board of
2905 Education or CAPE Digital Tool certificates pursuant to s.
2906 1003.4203.—

2907 1.a. A value of 0.025 full-time equivalent student
2908 membership shall be calculated for CAPE Digital Tool
2909 certificates earned by students in elementary and middle school
2910 grades.

2911 b. A value of 0.1 or 0.2 full-time equivalent student
2912 membership shall be calculated for each student who completes a
2913 course as defined in s. 1003.493(1)(b) or courses with embedded
2914 CAPE industry certifications and who is issued an industry
2915 certification identified annually on the CAPE Industry
2916 Certification Funding List approved under rules adopted by the
2917 State Board of Education. A value of 0.2 full-time equivalent
2918 membership shall be calculated for each student who is issued a
2919 CAPE industry certification that has a statewide articulation
2920 agreement for college credit approved by the State Board of
2921 Education. For CAPE industry certifications that do not
2922 articulate for college credit, the Department of Education shall

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2923 assign a full-time equivalent value of 0.1 for each
2924 certification. Middle grades students who earn additional FTE
2925 membership for a CAPE Digital Tool certificate pursuant to sub-
2926 subparagraph a. may not use the previously funded examination to
2927 satisfy the requirements for earning an industry certification
2928 under this sub-subparagraph. Additional FTE membership for an
2929 elementary or middle grades student may not exceed 0.1 for
2930 certificates or certifications earned within the same fiscal
2931 year. The State Board of Education shall include the assigned
2932 values on the CAPE Industry Certification Funding List under
2933 rules adopted by the state board. Such value shall be added to
2934 the total full-time equivalent student membership for grades 6
2935 through 12 in the subsequent year. CAPE industry certifications
2936 earned through dual enrollment must be reported and funded
2937 pursuant to s. 1011.80. However, if a student earns a
2938 certification through a dual enrollment course and the
2939 certification is not a fundable certification on the
2940 postsecondary certification funding list, or the dual enrollment
2941 certification is earned as a result of an agreement between a
2942 school district and a nonpublic postsecondary institution, the
2943 bonus value shall be funded in the same manner as other nondual
2944 enrollment course industry certifications. In such cases, the
2945 school district may provide for an agreement between the high
2946 school and the technical center, or the school district and the

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2947 postsecondary institution may enter into an agreement for
2948 equitable distribution of the bonus funds.

2949 c. A value of 0.3 full-time equivalent student membership
2950 shall be calculated for student completion of the courses and
2951 the embedded certifications identified on the CAPE Industry
2952 Certification Funding List and approved by the commissioner
2953 pursuant to ss. 1003.4203(5) (a) and 1008.44.

2954 d. A value of 0.5 full-time equivalent student membership
2955 shall be calculated for CAPE Acceleration Industry
2956 Certifications that articulate for 15 to 29 college credit
2957 hours, and 1.0 full-time equivalent student membership shall be
2958 calculated for CAPE Acceleration Industry Certifications that
2959 articulate for 30 or more college credit hours pursuant to CAPE
2960 Acceleration Industry Certifications approved by the
2961 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

2962 2. Each district must allocate at least 80 percent of the
2963 funds provided for CAPE industry certification, in accordance
2964 with this paragraph, to the program that generated the funds.
2965 This allocation may not be used to supplant funds provided for
2966 basic operation of the program.

2967 3. For CAPE industry certifications earned in the 2013-
2968 2014 school year and in subsequent years, the school district
2969 shall distribute to each classroom teacher who provided direct
2970 instruction toward the attainment of a CAPE industry

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2971 certification that qualified for additional full-time equivalent
2972 membership under subparagraph 1.:

2973 a. A bonus of \$25 for each student taught by a teacher who
2974 provided instruction in a course that led to the attainment of a
2975 CAPE industry certification on the CAPE Industry Certification
2976 Funding List with a weight of 0.1.

2977 b. A bonus of \$50 for each student taught by a teacher who
2978 provided instruction in a course that led to the attainment of a
2979 CAPE industry certification on the CAPE Industry Certification
2980 Funding List with a weight of 0.2.

2981 c. A bonus of \$75 for each student taught by a teacher who
2982 provided instruction in a course that led to the attainment of a
2983 CAPE industry certification on the CAPE Industry Certification
2984 Funding List with a weight of 0.3.

2985 d. A bonus of \$100 for each student taught by a teacher
2986 who provided instruction in a course that led to the attainment
2987 of a CAPE industry certification on the CAPE Industry
2988 Certification Funding List with a weight of 0.5 or 1.0.

2989
2990 Bonuses awarded pursuant to this paragraph shall be provided to
2991 teachers who are employed by the district in the year in which
2992 the additional FTE membership calculation is included in the
2993 calculation. Bonuses shall be calculated based upon the
2994 associated weight of a CAPE industry certification on the CAPE
2995 Industry Certification Funding List for the year in which the

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2996 certification is earned by the student. Any bonus awarded to a
2997 teacher pursuant to ~~under~~ this paragraph is in addition to any
2998 regular wage or other bonus the teacher received or is scheduled
2999 to receive. A bonus may not be awarded to a teacher who fails to
3000 maintain the security of any CAPE industry certification
3001 examination or who otherwise violates the security or
3002 administration protocol of any assessment instrument that may
3003 result in a bonus being awarded to the teacher under this
3004 paragraph.

3005 (t) Computation for funding through the Florida Education
3006 Finance Program.—The State Board of Education may adopt rules
3007 establishing programs, industry certifications, and courses for
3008 which the student may earn credit toward high school graduation
3009 and the criteria under which a student's industry certification
3010 or grade may be rescinded.

3011 (6) CATEGORICAL FUNDS.—

3012 (b) If a district school board finds and declares in a
3013 resolution adopted at a regular meeting of the school board that
3014 the funds received for any of the following categorical
3015 appropriations are urgently needed to maintain school board
3016 specified academic classroom instruction, the school board may
3017 consider and approve an amendment to the school district
3018 operating budget transferring the identified amount of the
3019 categorical funds to the appropriate account for expenditure:

3020 1. Funds for student transportation.

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3021 2. Funds for safe schools.

3022 ~~3. Funds for supplemental academic instruction if the~~
3023 ~~required additional hour of instruction beyond the normal school~~
3024 ~~day for each day of the entire school year has been provided for~~
3025 ~~the students in each low-performing elementary school in the~~
3026 ~~district pursuant to paragraph (1) (f).~~

3027 3.4. Funds for research-based reading instruction if the
3028 required additional hour of instruction beyond the normal school
3029 day for each day of the entire school year has been provided for
3030 the students in each low-performing elementary school in the
3031 district pursuant to paragraph (9) (a).

3032 4.5. Funds for instructional materials if all
3033 instructional material purchases necessary to provide updated
3034 materials that are aligned with applicable state standards and
3035 course descriptions and that meet statutory requirements of
3036 content and learning have been completed for that fiscal year,
3037 but no sooner than March 1. Funds available after March 1 may be
3038 used to purchase hardware for student instruction.

3039 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

3040 (a) The research-based reading instruction allocation is
3041 created to provide comprehensive reading instruction to students
3042 in kindergarten through grade 12. Each school district that has
3043 one or more of the 300 lowest-performing elementary schools
3044 based on a 3-year average of the state reading assessment data
3045 shall give priority to using that school's portion of the

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3046 allocation to provide ~~providing~~ an additional hour per day of
3047 intensive reading instruction ~~beyond the normal school day for~~
3048 ~~each day of the entire school year~~ for the students in each
3049 school. ~~The designation of the 300 lowest-performing elementary~~
3050 ~~schools must be based on the state reading assessment for the~~
3051 ~~prior year.~~ Students enrolled in these schools who earned a have
3052 level 4 or level 5 score on the statewide, standardized English
3053 Language Arts assessment for the previous school year ~~scores~~ may
3054 participate in the additional hour of instruction ~~on an optional~~
3055 ~~basis.~~ Exceptional student education centers may not be included
3056 in the 300 schools. The intensive reading instruction delivered
3057 in this additional hour ~~and for other students~~ shall include:
3058 research-based reading instruction that has been proven to
3059 accelerate progress of students exhibiting a reading deficiency;
3060 differentiated instruction based on screening, diagnostic,
3061 progress monitoring, or student assessment data to meet
3062 students' specific reading needs; explicit and systematic
3063 reading strategies to develop phonemic awareness, phonics,
3064 fluency, vocabulary, and comprehension, with more extensive
3065 opportunities for guided practice, error correction, and
3066 feedback; and the integration of social studies, science, and
3067 mathematics-text reading, text discussion, and writing in
3068 response to reading.

3069 (c) Funds allocated under this subsection must be used to
3070 provide a system of comprehensive reading instruction to

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3071 students enrolled in the K-12 programs, which may include the
3072 following:

3073 1. ~~The provision of~~ An additional hour per day of
3074 intensive reading instruction to students in the 300 lowest-
3075 performing elementary schools by teachers and reading
3076 specialists who have demonstrated effectiveness in teaching
3077 reading as required in paragraph (a).

3078 2. Kindergarten through grade 5 reading intervention
3079 teachers to provide intensive intervention during the school day
3080 and in the required extra hour for students identified as having
3081 a reading deficiency.

3082 3. ~~The provision of~~ Highly qualified reading coaches to
3083 specifically support teachers in making instructional decisions
3084 based on student data, and improve teacher delivery of effective
3085 reading instruction, intervention, and reading in the content
3086 areas based on student need.

3087 4. Professional development for school district teachers
3088 in scientifically based reading instruction, including
3089 strategies to teach reading in content areas and with an
3090 emphasis on technical and informational text, to help school
3091 district teachers earn a certification or an endorsement in
3092 reading.

3093 5. ~~The provision of~~ Summer reading camps, using only
3094 teachers or other district personnel who are certified or
3095 endorsed in reading consistent with s. 1008.25(7)(b)3., for all

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3096 students in kindergarten through grade 2 who demonstrate a
3097 reading deficiency as determined by district and state
3098 assessments, and students in grades 3 through 5 who score at
3099 Level 1 on the statewide, standardized ~~reading assessment or,~~
3100 ~~upon implementation,~~ the English Language Arts assessment.

3101 6. ~~The provision of~~ Supplemental instructional materials
3102 that are grounded in scientifically based reading research as
3103 identified by the Just Read, Florida! Office pursuant to s.
3104 1001.215(8).

3105 7. ~~The provision of~~ Intensive interventions for students
3106 in kindergarten through grade 12 who have been identified as
3107 having a reading deficiency or who are reading below grade level
3108 as determined by the statewide, standardized English Language
3109 Arts assessment.

3110 (d)1. Each school district that has a school that earns a
3111 grade below a "B" pursuant to s. 1008.34 shall annually, ~~by a~~
3112 ~~date determined by the Department of Education but before May 1,~~
3113 ~~school districts shall~~ submit a ~~K-12~~ comprehensive reading plan
3114 for the specific use of the research-based reading instruction
3115 allocation in the format prescribed by the department for review
3116 and approval by the department as part of the monitoring,
3117 intervention, and support strategies required under s. 1008.33
3118 ~~Just Read, Florida! Office created pursuant to s. 1001.215. The~~
3119 ~~plan annually submitted by school districts shall be deemed~~
3120 ~~approved unless the department rejects the plan on or before~~

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3121 ~~June 1. If a school district and the Just Read, Florida! Office~~
3122 ~~cannot reach agreement on the contents of the plan, the school~~
3123 ~~district may appeal to the State Board of Education for~~
3124 ~~resolution.~~ School districts shall be allowed reasonable
3125 flexibility in designing their plans and shall be encouraged to
3126 offer reading intervention through innovative methods, including
3127 career academies. The plan format shall be developed with input
3128 from school district personnel, including teachers and
3129 principals, and shall provide for ~~allow courses in core, career,~~
3130 ~~and alternative programs that deliver~~ intensive reading
3131 intervention remediation through integrated curricula, provided
3132 that the interventions are delivered by a teacher who is
3133 certified or endorsed in ~~deemed highly qualified to teach~~
3134 reading or working toward that status. ~~No later than July 1~~
3135 ~~annually, the department shall release the school district's~~
3136 ~~allocation of appropriated funds to those districts having~~
3137 ~~approved plans. A school district that spends 100 percent of~~
3138 ~~this allocation on its approved plan shall be deemed to have~~
3139 ~~been in compliance with the plan. The department may withhold~~
3140 ~~funds upon a determination that reading instruction allocation~~
3141 ~~funds are not being used to implement the approved plan. The~~
3142 ~~department shall monitor and track the implementation of each~~
3143 ~~district plan, including conducting site visits and collecting~~
3144 ~~specific data on expenditures and reading improvement results.~~

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3145 ~~By February 1 of each year, the department shall report its~~
3146 ~~findings to the Legislature.~~

3147 2. Each school district that has a school designated as
3148 one of the 300 lowest-performing elementary schools as specified
3149 in paragraph (a) shall specifically delineate in the
3150 comprehensive reading plan, or in an addendum to the
3151 comprehensive reading plan, the implementation design and
3152 reading intervention strategies that will be used for the
3153 required additional hour of reading instruction.

3154
3155 The term "reading intervention" may include strategies
3156 identified by the Just Read, Florida! Office pursuant to s.
3157 1001.215(8), ~~includes evidence-based strategies frequently used~~
3158 ~~to remediate reading deficiencies and also includes~~ individual
3159 instruction, tutoring, mentoring, or the use of technology that
3160 targets specific reading skills and abilities.

3161 Section 42. Section 1011.6202, Florida Statutes, is
3162 amended to read:

3163 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The
3164 Principal Autonomy ~~Pilot~~ Program Initiative is created within
3165 the Department of Education. The purpose of the ~~pilot~~ program is
3166 to provide a ~~the~~ highly effective principal of a participating
3167 school with increased autonomy and authority to operate his or
3168 her school, as well as other schools, in a way that produces
3169 significant improvements in student achievement and school

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3170 management while complying with constitutional requirements. The
3171 State Board of Education may, upon approval of a principal
3172 autonomy proposal, enter into a performance contract with the up
3173 ~~to seven~~ district school board ~~boards~~ for participation in the
3174 ~~pilot~~ program.

3175 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the
3176 2018-2019 school year, contingent upon available funds, and on a
3177 first-come, first-served basis, a ~~The~~ district school board
3178 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~
3179 ~~Pinellas, and Seminole Counties~~ may submit, no later than
3180 December 1, to the state board for approval a principal autonomy
3181 proposal that exchanges statutory and rule exemptions for an
3182 agreement to meet performance goals established in the proposal.
3183 If approved by the state board, the ~~each of these~~ school
3184 district is ~~districts shall be~~ eligible to participate in the
3185 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~
3186 ~~performance of all participating schools in the school district~~
3187 ~~shall be evaluated.~~

3188 (2) PRINCIPAL AUTONOMY PROPOSAL.—

3189 (a) To participate in the ~~pilot~~ program, a school district
3190 must:

3191 1. Identify three schools that received at least two
3192 school grades of "D" or "F" pursuant to s. 1008.34 during the
3193 previous 3 school years.

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3194 2. Identify three principals who have earned a highly
3195 effective rating on the prior year's performance evaluation
3196 pursuant to s. 1012.34, one of whom shall be assigned to each of
3197 the participating schools.

3198 3. Describe the current financial and administrative
3199 management of each participating school; identify the areas in
3200 which each school principal will have increased fiscal and
3201 administrative autonomy, including the authority and
3202 responsibilities provided in s. 1012.28(8); and identify the
3203 areas in which each participating school will continue to follow
3204 district school board fiscal and administrative policies.

3205 4. Explain the methods used to identify the educational
3206 strengths and needs of the participating school's students and
3207 identify how student achievement can be improved.

3208 5. Establish performance goals for student achievement, as
3209 defined in s. 1008.34(1), and explain how the increased autonomy
3210 of principals will help participating schools improve student
3211 achievement and school management.

3212 6. Provide each participating school's mission and a
3213 description of its student population.

3214 (b) The state board shall establish criteria, which must
3215 include the criteria listed in paragraph (a), for the approval
3216 of a principal autonomy proposal.

3217 (c) A district school board must submit its principal
3218 autonomy proposal to the state board for approval by December 1

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3219 in order to begin participation in the subsequent school year.
3220 By February 28 of the school year in which the proposal is
3221 submitted, the state board shall notify the district school
3222 board in writing whether the proposal is approved.

3223 (3) EXEMPTION FROM LAWS.—

3224 (a) With the exception of those laws listed in paragraph
3225 (b), a participating school or a school operated by an
3226 independent governing board pursuant to subsection (5) is exempt
3227 from the provisions of chapters 1000-1013 and rules of the state
3228 board that implement those exempt provisions.

3229 (b) A participating school or a school operated by an
3230 independent governing board pursuant to subsection (5) shall
3231 comply with the provisions of chapters 1000-1013, and rules of
3232 the state board that implement those provisions, pertaining to
3233 the following:

3234 1. Those laws relating to the election and compensation of
3235 district school board members, the election or appointment and
3236 compensation of district school superintendents, public meetings
3237 and public records requirements, financial disclosure, and
3238 conflicts of interest.

3239 2. Those laws relating to the student assessment program
3240 and school grading system, including chapter 1008.

3241 3. Those laws relating to the provision of services to
3242 students with disabilities.

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- 3243 4. Those laws relating to civil rights, including s.
3244 1000.05, relating to discrimination.
- 3245 5. Those laws relating to student health, safety, and
3246 welfare.
- 3247 6. Section 1001.42(4)(f), relating to the uniform opening
3248 date for public schools.
- 3249 7. Section 1003.03, governing maximum class size, except
3250 that the calculation for compliance pursuant to s. 1003.03 is
3251 the average at the school level for a participating school.
- 3252 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
3253 compensation and salary schedules.
- 3254 9. Section 1012.33(5), relating to workforce reductions
3255 for annual contracts for instructional personnel. This
3256 subparagraph does not apply to at-will employees.
- 3257 10. Section 1012.335, relating to annual contracts for
3258 instructional personnel hired on or after July 1, 2011. This
3259 subparagraph does not apply to at-will employees.
- 3260 11. Section 1012.34, relating to personnel evaluation
3261 procedures and criteria.
- 3262 12. Those laws pertaining to educational facilities,
3263 including chapter 1013, except that s. 1013.20, relating to
3264 covered walkways for relocatables, and s. 1013.21, relating to
3265 the use of relocatable facilities exceeding 20 years of age, are
3266 eligible for exemption.

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3267 13. Those laws pertaining to participating school
3268 districts, including this section and ss. 1011.69(2) and
3269 1012.28(8).

3270 (c) A school shall remain exempt, as provided in this
3271 subsection, beyond the term of the program so long as the school
3272 receives no grade lower than a "B."

3273 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
3274 district shall require that the principal of each participating
3275 school and a designated leadership team selected by the
3276 principal of the participating school, a three-member leadership
3277 team from each participating school, and district personnel
3278 working with each participating school complete a nationally
3279 recognized school turnaround program which focuses on improving
3280 leadership, instructional infrastructure, talent management, and
3281 differentiated support and accountability. The required
3282 personnel must enroll in the nationally recognized school
3283 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~
3284 ~~participating school district shall receive \$100,000 from the~~
3285 ~~department for participation in the nationally recognized school~~
3286 ~~turnaround program.~~

3287 (5) DISTRICT-INDEPENDENT AUTONOMOUS SCHOOLS.—To foster the
3288 development of principal autonomy and autonomous schools,
3289 participating school districts may expand the impact of
3290 participating principals by allowing participating principals to
3291 manage multiple schools under an independent governing board.

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3292 (a) A participating principal who successfully completes
3293 the training required by subsection (4) may manage one or more
3294 schools that are operated by an independent governing board
3295 through a contract with the school board. To avoid any conflict
3296 of interest regarding the review, approval, and oversight of the
3297 school, members of the governing board may not be employees of
3298 the school district or any school operated by the governing
3299 board.

3300 (b) For the purposes of tort liability, the independent
3301 governing board, autonomous school, and its employees or agents
3302 shall be governed by s. 768.28. The school board shall not be
3303 liable for civil damages under state law for the employment
3304 actions or personal injury, property damage, or death resulting
3305 from an act or omission of an independent governing board,
3306 autonomous school, and its employees or agents.

3307 (c) An autonomous school may be a private or a public
3308 employer. As a public employer, the autonomous school may
3309 participate in the Florida Retirement System upon application
3310 and approval as a covered group under s. 121.021(34). If an
3311 autonomous school participates in the Florida Retirement System,
3312 the school's employees shall be compulsory members of the
3313 Florida Retirement System.

3314 (6)-(5) TERM OF PARTICIPATION.—The state board shall
3315 authorize a school district to participate in the ~~pilot~~ program
3316 for a period of 3 years commencing with approval of the

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3317 principal autonomy proposal. ~~Authorization to participate in the~~
3318 ~~pilot program may be renewed upon action of the state board. The~~
3319 state board may revoke authorization to participate in the ~~pilot~~
3320 program if the school district fails to meet the requirements of
3321 this section during the 3-year period.

3322 ~~(6) REPORTING. Each participating school district shall~~
3323 ~~submit an annual report to the state board. The state board~~
3324 ~~shall annually report on the implementation of the Principal~~
3325 ~~Autonomy Pilot Program Initiative. Upon completion of the pilot~~
3326 ~~program's first 3-year term, the Commissioner of Education shall~~
3327 ~~submit to the President of the Senate and the Speaker of the~~
3328 ~~House of Representatives by December 1 a full evaluation of the~~
3329 ~~effectiveness of the pilot program.~~

3330 (7) FUNDING.—Subject to an annual appropriation, The
3331 Legislature shall provide an appropriation to the department
3332 shall fund for the costs of the pilot program to include the,
3333 including administrative costs and enrollment costs for the
3334 nationally recognized school turnaround program required in
3335 subsection (4), and an additional amount not to exceed of
3336 \$10,000 for each participating principal in each participating
3337 district as an annual salary supplement for 3 years, ~~a fund for~~
3338 ~~the principal's school to be used at the principal's discretion,~~
3339 ~~or both, as determined by the district.~~ To be eligible for a
3340 salary supplement under this subsection, a participating
3341 principal must:

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3342 (a) Be rated "highly effective" as determined by the
3343 principal's performance evaluation under s. 1012.34;

3344 (b) Be transferred to, or manage pursuant to subsection
3345 (5), a school that earned a grade of "F" or two ~~three~~
3346 consecutive grades of "D" pursuant to s. 1008.34 and provided
3347 additional authority and responsibilities pursuant to s.
3348 1012.28(8); and

3349 (c) Have implemented a turnaround option under s. 1008.33
3350 ~~s. 1008.33(4)~~ at a school as the school's principal or manager.
3351 The turnaround option must have resulted in the school improving
3352 by at least one letter grade while he or she was serving as the
3353 school's principal or manager.

3354 (8) RULEMAKING.—The State Board of Education shall adopt
3355 rules to administer this section.

3356 Section 43. Section 1011.64, Florida Statutes, is
3357 repealed.

3358 Section 44. Subsection (5) of section 1011.69, Florida
3359 Statutes, is amended to read:

3360 1011.69 Equity in School-Level Funding Act.—

3361 (5) After providing Title I, Part A, Basic funds to
3362 schools above the 75 percent poverty threshold, which may
3363 include high schools above the 50 percent threshold as permitted
3364 by federal law, school districts shall provide any remaining
3365 Title I, Part A, Basic funds directly to all eligible schools as
3366 provided in this subsection. For purposes of this subsection, an

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3367 eligible school is a school that is eligible to receive Title I
3368 funds, including a charter school. The threshold for identifying
3369 eligible schools may not exceed the threshold established by a
3370 school district for the 2016-2017 school year or the statewide
3371 percentage of economically disadvantaged students, as determined
3372 annually.

3373 (a) Prior to the allocation of Title I funds to eligible
3374 schools, a school district may withhold funds only as follows:

3375 1. One percent for parent involvement, in addition to the
3376 one percent the district must reserve under federal law for
3377 allocations to eligible schools for parent involvement;

3378 2. A necessary and reasonable amount for administration,
3379 which includes the district's indirect cost rate, not to exceed
3380 a total of 8 percent; ~~and~~

3381 3. A reasonable and necessary amount to provide:

3382 a. Homeless programs;

3383 b. Delinquent and neglected programs;

3384 c. Prekindergarten programs and activities;

3385 d. Private school equitable services; and

3386 e. Transportation for foster care children to their school
3387 of origin or choice programs; and

3388 4. A necessary and reasonable amount, not to exceed 1
3389 percent, for eligible schools to provide:

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3390 a. Extended learning opportunities, such as summer school,
3391 before-school and after-school programs, and additional class
3392 periods of instruction during the school day; and

3393 b. Supplemental academic and enrichment services, as well
3394 as wrap-around services.

3395
3396 Any funds provided by eligible schools pursuant to paragraph (b)
3397 shall not be included calculation of the 1-percent limitation.

3398 (b) All remaining Title I funds shall be distributed to
3399 all eligible schools in accordance with federal law and
3400 regulation. To maximize the efficient use of resources, school
3401 districts may allow eligible schools, not including charter
3402 schools, to ~~An eligible school may~~ use funds under this
3403 subsection for district-level ~~to participate in discretionary~~
3404 educational services provided by the school district under
3405 paragraph (a).

3406 Section 45. Paragraph (e) of subsection (2) of section
3407 1011.71, Florida Statutes, is amended to read:

3408 1011.71 District school tax.—

3409 (2) In addition to the maximum millage levy as provided in
3410 subsection (1), each school board may levy not more than 1.5
3411 mills against the taxable value for school purposes for charter
3412 schools pursuant to s. 1013.62(3) and for district schools to
3413 fund:

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3414 (e) Payments for educational facilities and sites due
3415 under a lease-purchase agreement entered into by a district
3416 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
3417 exceeding, in the aggregate, an amount equal to three-fourths of
3418 the proceeds from the millage levied by a district school board
3419 pursuant to this subsection. The three-fourths limit is waived
3420 for lease-purchase agreements entered into before June 30, 2009,
3421 by a district school board pursuant to this paragraph. If
3422 payments under lease-purchase agreements in the aggregate,
3423 including lease-purchase agreements entered into before June 30,
3424 2009, exceed three-fourths of the proceeds from the millage
3425 levied pursuant to this subsection, the district school board
3426 may not withhold the administrative fees authorized by s.
3427 1002.33(20) from any charter school operating in the school
3428 district.

3429 Section 46. Subsection (2) of section 1012.23, Florida
3430 Statutes, is amended to read:

3431 1012.23 School district personnel policies.—

3432 (2) A district school superintendent or a district school
3433 board member may not appoint or not employ or ~~or appoint~~ a
3434 relative, as defined in s. 112.3135, to work under the direct
3435 supervision of that district school board member or district
3436 school superintendent. This subsection does not apply to
3437 employees appointed or employed before the election or
3438 appointment of a school board member or a district school

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3439 superintendent. The Commission on Ethics shall accept and
3440 investigate any alleged violations of this subsection pursuant
3441 to the procedures in ss. 112.322-112.3241.

3442 Section 47. Subsection (4) of section 1012.2315, Florida
3443 Statutes, is amended to read:

3444 1012.2315 Assignment of teachers.—

3445 (4) COLLECTIVE BARGAINING.—

3446 (a) Notwithstanding provisions of chapter 447 relating to
3447 district school board collective bargaining, collective
3448 bargaining provisions may not preclude a school district from
3449 providing incentives to high-quality teachers and assigning such
3450 teachers to low-performing schools.

3451 (b)1. In addition to the provisions under s. 447.305(2),
3452 an employee organization that has been certified as the
3453 bargaining agent for a unit of instructional personnel as
3454 defined in s. 1012.01(2) must include for each such certified
3455 bargaining unit the following information in its application for
3456 renewal of registration:

3457 a. The number of employees in the bargaining unit who are
3458 eligible for representation by the employee organization.

3459 b. The number of employees who are represented by the
3460 employee organization, specifying the number of members who pay
3461 dues and the number of members who do not pay dues.

3462 2. Notwithstanding the provisions of chapter 447 relating
3463 to collective bargaining, an employee organization whose dues

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3464 paying membership is less than 50 percent of the employees
3465 eligible for representation in the unit, as identified in
3466 subparagraph 1., must petition the Public Employees Relations
3467 Commission pursuant to s. 447.307(2) and (3) for recertification
3468 as the exclusive representative of all employees in the unit
3469 within 1 month after the date on which the organization applies
3470 for renewal of registration pursuant to s. 447.305(2). The
3471 certification of an employee organization that does not comply
3472 with this paragraph is revoked.

3473 Section 48. Subsection (8) of section 1012.28, Florida
3474 Statutes, is amended to read:

3475 1012.28 Public school personnel; duties of school
3476 principals.—

3477 (8) The principal of a school participating in the
3478 Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202
3479 has the following additional authority and responsibilities:

3480 (a) In addition to the authority provided in subsection
3481 (6), the authority to select qualified instructional personnel
3482 for placement or to refuse to accept the placement or transfer
3483 of instructional personnel by the district school
3484 superintendent. Placement of instructional personnel at a
3485 participating school in a participating school district does not
3486 affect the employee's status as a school district employee.

3487 (b) The authority to deploy financial resources to school
3488 programs at the principal's discretion to help improve student

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3489 achievement, as defined in s. 1008.34(1), and meet performance
3490 goals identified in the principal autonomy proposal submitted
3491 pursuant to s. 1011.6202.

3492 (c) To annually provide to the district school
3493 superintendent and the district school board a budget for the
3494 operation of the participating school that identifies how funds
3495 provided pursuant to s. 1011.69(2) are allocated. ~~The school~~
3496 ~~district shall include the budget in the annual report provided~~
3497 ~~to the State Board of Education pursuant to s. 1011.6202(6).~~

3498 Section 49. Subsection (2) of section 1012.32, Florida
3499 Statutes, is amended to read:

3500 1012.32 Qualifications of personnel.—

3501 (2) (a) Instructional and noninstructional personnel who
3502 are hired or contracted to fill positions that require direct
3503 contact with students in any district school system or
3504 university lab school must, upon employment or engagement to
3505 provide services, undergo background screening as required under
3506 s. 1012.465 or s. 1012.56, whichever is applicable.

3507 (b) Instructional and noninstructional personnel who are
3508 hired or contracted to fill positions in any charter school and
3509 members of the governing board of any charter school, in
3510 compliance with s. 1002.33(12)(g), must, upon employment,
3511 engagement of services, or appointment, undergo background
3512 screening as required under s. 1012.465 or s. 1012.56, whichever
3513 is applicable, by filing with the district school board for the

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3514 school district in which the charter school is located a
3515 complete set of fingerprints taken by an authorized law
3516 enforcement agency or an employee of the school or school
3517 district who is trained to take fingerprints.

3518 (c) Instructional and noninstructional personnel who are
3519 hired or contracted to fill positions that require direct
3520 contact with students in an alternative school that operates
3521 under contract with a district school system must, upon
3522 employment or engagement to provide services, undergo background
3523 screening as required under s. 1012.465 or s. 1012.56, whichever
3524 is applicable, by filing with the district school board for the
3525 school district to which the alternative school is under
3526 contract a complete set of fingerprints taken by an authorized
3527 law enforcement agency or an employee of the school or school
3528 district who is trained to take fingerprints.

3529 (d) Student teachers and persons participating in a field
3530 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
3531 district school system, lab school, or charter school must, upon
3532 engagement to provide services, undergo background screening as
3533 required under s. 1012.56.

3534
3535 Fingerprints shall be submitted to the Department of Law
3536 Enforcement for statewide criminal and juvenile records checks
3537 and to the Federal Bureau of Investigation for federal criminal
3538 records checks. A person subject to this subsection who is found

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3539 ineligible for employment under s. 1012.315, or otherwise found
3540 through background screening to have been convicted of any crime
3541 involving moral turpitude as defined by rule of the State Board
3542 of Education, shall not be employed, engaged to provide
3543 services, or serve in any position that requires direct contact
3544 with students. Probationary persons subject to this subsection
3545 terminated because of their criminal record have the right to
3546 appeal such decisions. The cost of the background screening may
3547 be borne by the district school board, the charter school, the
3548 employee, the contractor, or a person subject to this
3549 subsection. If the district school board does not notify the
3550 charter school of the eligibility of governing board members and
3551 instructional and noninstructional personnel within 14 days
3552 after the submission of the fingerprints, it shall reimburse the
3553 cost of background screening.

3554 Section 50. Subsection (4) of section 1012.55, Florida
3555 Statutes, is amended, and paragraph (e) is added to subsection
3556 (1) of that section, to read:

3557 1012.55 Positions for which certificates required.—

3558 (1)

3559 (e)1. The department shall issue a 3-year temporary
3560 certificate in educational leadership under s. 1012.56(7) to an
3561 individual who:

3562 a. Earned a passing score on the Florida Educational
3563 Leadership Examination.

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3564 b. Served as a commissioned or noncommissioned military
3565 officer in the United States Armed Forces for at least 3 years.

3566 c. Was honorably discharged or has retired from the United
3567 States Armed Forces.

3568 d. Is employed full time in a position for which an
3569 educator certificate is required in a Florida public school,
3570 state-supported school, or nonpublic school that has a Level II
3571 program under s. 1012.562.

3572 2. A Level II program under s. 1012.562 must accept an
3573 applicant who holds a temporary certificate under subparagraph
3574 1. The department shall issue a permanent certification as a
3575 school principal to an individual who holds a temporary
3576 certificate under subparagraph 1. and successfully completes the
3577 Level II program.

3578 (4) A commissioned or noncommissioned military officer who
3579 is an instructor of junior reserve officer training shall be
3580 exempt from requirements for teacher certification, except for
3581 the background screening pursuant to s. 1012.32, if he or she
3582 meets the following qualifications:

3583 (a) Is retired from active military duty, pursuant to
3584 chapter 102 of Title 10 U.S.C.

3585 (b) Satisfies criteria established by the appropriate
3586 military service for certification by the service as a junior
3587 reserve officer training instructor.

3588 (c) Has an exemplary military record.

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3589
3590 If such instructor is assigned instructional duties other than
3591 junior reserve officer training, he or she shall hold the
3592 certificate required by law and rules of the state board for the
3593 type of service rendered. An instructor of junior reserve
3594 officer training under this subsection may receive funding
3595 through the Florida Teachers Classroom Supply Assistance Program
3596 under s. 1012.71.

3597 Section 51. Subsection (7) of section 1012.56, Florida
3598 Statutes, is amended to read:

3599 1012.56 Educator certification requirements.—

3600 (7) TYPES AND TERMS OF CERTIFICATION.—

3601 (a) The Department of Education shall issue a professional
3602 certificate for a period not to exceed 5 years to any applicant
3603 who fulfills one of the following:

3604 1. Meets all the requirements outlined in subsection (2).

3605 2. For a professional certificate covering grades 6
3606 through 12:

3607 a. Meets the requirements of paragraphs (2)(a)-(h).

3608 b. Holds a master's or higher degree in the area of
3609 science, technology, engineering, or mathematics.

3610 c. Teaches a high school course in the subject of the
3611 advanced degree.

3612 d. Is rated highly effective as determined by the
3613 teacher's performance evaluation under s. 1012.34, based in part

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3614 on student performance as measured by a statewide, standardized
3615 assessment or an Advanced Placement, Advanced International
3616 Certificate of Education, or International Baccalaureate
3617 examination.

3618 e. Achieves a passing score on the Florida professional
3619 education competency examination required by state board rule.

3620 3. Meets the requirements of paragraphs (2) (a)-(h) and
3621 completes a professional preparation and education competence
3622 program approved by the department pursuant to paragraph (8) (c).
3623 An applicant who completes the program and is rated highly
3624 effective as determined by his or her performance evaluation
3625 under s. 1012.34 is not required to take or achieve a passing
3626 score on the professional education competency examination in
3627 order to be awarded a professional certificate.

3628 (b) The department shall issue a temporary certificate to
3629 any applicant who completes the requirements outlined in
3630 paragraphs (2) (a)-(f) and completes the subject area content
3631 requirements specified in state board rule or demonstrates
3632 mastery of subject area knowledge pursuant to subsection (5) and
3633 holds an accredited degree or a degree approved by the
3634 Department of Education at the level required for the subject
3635 area specialization in state board rule.

3636 (c) The department shall issue one nonrenewable 2-year
3637 temporary certificate and one nonrenewable 5-year professional
3638 certificate to a qualified applicant who holds a bachelor's

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3639 degree in the area of speech-language impairment to allow for
3640 completion of a master's degree program in speech-language
3641 impairment.

3642

3643 Each temporary certificate is valid for 3 school fiscal years
3644 and is nonrenewable. However, the requirement in paragraph
3645 (2) (g) must be met within 1 calendar year of the date of
3646 employment under the temporary certificate. Individuals who are
3647 employed under contract at the end of the 1 calendar year time
3648 period may continue to be employed through the end of the school
3649 year in which they have been contracted. A school district shall
3650 not employ, or continue the employment of, an individual in a
3651 position for which a temporary certificate is required beyond
3652 this time period if the individual has not met the requirement
3653 of paragraph (2) (g). At least 1 year before an individual's
3654 temporary certificate is set to expire, the department shall
3655 electronically notify the individual of the date on which his or
3656 her certificate will expire and provide a list of each method by
3657 which the qualifications for a professional certificate can be
3658 completed. The State Board of Education shall adopt rules to
3659 allow the department to extend the validity period of a
3660 temporary certificate for 2 years when the requirements for the
3661 professional certificate, not including the requirement in
3662 paragraph (2) (g), were not completed due to the serious illness
3663 or injury of the applicant, the military service of an

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3664 applicant's spouse, or other extraordinary extenuating
3665 circumstances. The rules must authorize the department to extend
3666 the validity period of a temporary certificate ~~or~~ for 1 year if
3667 the ~~temporary~~ certificateholder is rated effective or highly
3668 effective based solely on a student learning growth formula
3669 approved by the Commissioner of Education pursuant to s.
3670 1012.34(8). The department shall reissue the temporary
3671 certificate for 2 additional years upon approval by the
3672 Commissioner of Education. A written request for reissuance of
3673 the certificate shall be submitted by the district school
3674 superintendent, the governing authority of a university lab
3675 school, the governing authority of a state-supported school, or
3676 the governing authority of a private school.

3677 Section 52. Section 1012.562, Florida Statutes, is amended
3678 to read:

3679 1012.562 Public accountability and state approval of
3680 school leader preparation programs.—The Department of Education
3681 shall establish a process for the approval of Level I and Level
3682 II school leader preparation programs that will enable aspiring
3683 school leaders to obtain their certificate in educational
3684 leadership under s. 1012.56. School leader preparation programs
3685 must be competency-based, aligned to the principal leadership
3686 standards adopted by the state board, and open to individuals
3687 employed by public schools, including charter schools and
3688 virtual schools. Level I programs ~~may be offered by school~~

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3689 ~~districts or postsecondary institutions and~~ lead to initial
3690 certification in educational leadership for the purpose of
3691 preparing individuals to serve as school administrators. Level
3692 II programs ~~may be offered by school districts,~~ build upon Level
3693 I training~~,~~ and lead to renewal certification as a school
3694 principal.

3695 (1) PURPOSE.—The purpose of school leader preparation
3696 programs are to:

3697 (a) Increase the supply of effective school leaders in the
3698 public schools of this state.

3699 (b) Produce school leaders who are prepared to lead the
3700 state's diverse student population in meeting high standards for
3701 academic achievement.

3702 (c) Enable school leaders to facilitate the development
3703 and retention of effective and highly effective classroom
3704 teachers.

3705 (d) Produce leaders with the competencies and skills
3706 necessary to achieve the state's education goals.

3707 (e) Sustain the state system of school improvement and
3708 education accountability.

3709 (2) LEVEL I PROGRAMS.—

3710 (a) Initial approval of a Level I program shall be for a
3711 period of 5 years. A postsecondary institution, ~~or~~ school
3712 district, charter school, or charter management organization may
3713 submit to the department in a format prescribed by the

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3714 department an application to establish a Level I school leader
3715 preparation program. To be approved, a Level I program must:

3716 1. Provide competency-based training aligned to the
3717 principal leadership standards adopted by the State Board of
3718 Education.

3719 2. If the program is provided by a postsecondary
3720 institution, partner with at least one school district.

3721 3. Describe the qualifications that will be used to
3722 determine program admission standards, including a candidate's
3723 instructional expertise and leadership potential.

3724 4. Describe how the training provided through the program
3725 will be aligned to the personnel evaluation criteria under s.
3726 1012.34.

3727 (b) Renewal of a Level I program's approval shall be for a
3728 period of 5 years and shall be based upon evidence of the
3729 program's continued ability to meet the requirements of
3730 paragraph (a). A postsecondary institution or school district
3731 must submit an institutional program evaluation plan in a format
3732 prescribed by the department for a Level I program to be
3733 considered for renewal. The plan must include:

3734 1. The percentage of personnel who complete the program
3735 and are placed in school leadership positions in public schools
3736 within the state.

3737 2. Results from the personnel evaluations required under
3738 s. 1012.34 for personnel who complete the program.

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3739 3. The passage rate of personnel who complete the program
3740 on the Florida Education Leadership Examination.

3741 4. The impact personnel who complete the program have on
3742 student learning as measured by the formulas developed by the
3743 commissioner pursuant to s. 1012.34(7).

3744 5. Strategies for continuous improvement of the program.

3745 6. Strategies for involving personnel who complete the
3746 program, other school personnel, community agencies, business
3747 representatives, and other stakeholders in the program
3748 evaluation process.

3749 7. Additional data included at the discretion of the
3750 postsecondary institution or school district.

3751 (c) A Level I program must guarantee the high quality of
3752 personnel who complete the program for the first 2 years after
3753 program completion or the person's initial certification as a
3754 school leader, whichever occurs first. If a person who completed
3755 the program is evaluated at less than highly effective or
3756 effective under s. 1012.34 and the person's employer requests
3757 additional training, the Level I program must provide additional
3758 training at no cost to the person or his or her employer. The
3759 training must include the creation of an individualized plan
3760 agreed to by the employer that includes specific learning
3761 outcomes. The Level I program is not responsible for the
3762 person's employment contract with his or her employer.

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3763 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
3764 renewal of a Level II program shall be for a period of 5 years.
3765 A school district, charter school, or charter management
3766 organization may submit to the department in a format prescribed
3767 by the department an application to establish a Level II school
3768 leader preparation program or for program renewal. To be
3769 approved or renewed, a Level II program must:

3770 (a) Demonstrate that personnel accepted into the Level II
3771 program have:

3772 1. Obtained their certificate in educational leadership
3773 under s. 1012.56.

3774 2. Earned a highly effective or effective designation
3775 under s. 1012.34.

3776 3. Satisfactorily performed instructional leadership
3777 responsibilities as measured by the evaluation system in s.
3778 1012.34.

3779 (b) Demonstrate that the Level II program:

3780 1. Provides competency-based training aligned to the
3781 principal leadership standards adopted by the State Board of
3782 Education.

3783 2. Provides training aligned to the personnel evaluation
3784 criteria under s. 1012.34 and professional development program
3785 in s. 1012.986.

3786 3. Provides individualized instruction using a customized
3787 learning plan for each person enrolled in the program that is

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3788 based on data from self-assessment, selection, and appraisal
3789 instruments.

3790 4. Conducts program evaluations and implements program
3791 improvements using input from personnel who completed the
3792 program and employers and data gathered pursuant to paragraph
3793 (2) (b) .

3794 (c) Gather and monitor the data specified in paragraph
3795 (2) (b) .

3796 (4) RULES.—The State Board of Education shall adopt rules
3797 to administer this section.

3798 Section 53. Subsection (3) is added to section 1012.59,
3799 Florida Statutes, to read:

3800 1012.59 Certification fees.—

3801 (3) The State Board of Education shall waive initial
3802 general knowledge, professional education, and subject area
3803 examination fees and certification fees for:

3804 (a) A member of the United States Armed Forces or a
3805 reserve component thereof who is serving or has served on active
3806 duty and the spouse of such a member.

3807 (b) The surviving spouse of a member of the United States
3808 Armed Forces or a reserve component thereof who was serving on
3809 active duty at the time of death.

3810 (c) An honorably discharged veteran of the United States
3811 Armed Forces or a veteran of a reserve component thereof who

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3812 served on active duty and the spouse or surviving spouse of such
3813 a veteran.

3814 Section 54. Subsection (11) of section 1012.98, Florida
3815 Statutes, is amended to read:

3816 1012.98 School Community Professional Development Act.—

3817 (11) The department shall disseminate to the school
3818 community proven model professional development programs that
3819 have demonstrated success in increasing rigorous and relevant
3820 content, increasing student achievement and engagement, meeting
3821 identified student needs, and providing effective mentorship
3822 activities to new teachers and training to teacher mentors. The
3823 methods of dissemination must include a web-based statewide
3824 performance-support system including a database of exemplary
3825 professional development activities, a listing of available
3826 professional development resources, training programs, and
3827 available technical assistance. Professional development
3828 resources must include sample course-at-a-glance and unit
3829 overview templates that school districts may use when developing
3830 curriculum. The templates must provide an organized structure
3831 for addressing the Florida Standards, grade-level expectations,
3832 evidence outcomes, and 21st century skills that build to
3833 students' mastery of the standards at each grade level. Each
3834 template must support teaching to greater intellectual depth and
3835 emphasize transfer and application of concepts, content, and
3836 skills. At a minimum, each template must:

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3837 (a) Provide course or year-long sequencing of concept-
3838 based unit overviews based on the Florida Standards.

3839 (b) Describe the knowledge and vocabulary necessary for
3840 comprehension.

3841 (c) Promote the instructional shifts required within the
3842 Florida Standards.

3843 (d) Illustrate the interdependence of grade level
3844 expectations within and across content areas within a grade.

3845 Section 55. Paragraph (a) of subsection (2) of section
3846 1013.28, Florida Statutes, is amended to read:

3847 1013.28 Disposal of property.—

3848 (2) TANGIBLE PERSONAL PROPERTY.—

3849 (a) Tangible personal property that has been properly
3850 classified as surplus by a district school board or Florida
3851 College System institution board of trustees shall be disposed
3852 of in accordance with the procedure established by chapter 274.
3853 However, the provisions of chapter 274 shall not be applicable
3854 to a motor vehicle used in driver education to which title is
3855 obtained for a token amount from an automobile dealer or
3856 manufacturer. In such cases, the disposal of the vehicle shall
3857 be as prescribed in the contractual agreement between the
3858 automotive agency or manufacturer and the board. Tangible
3859 personal property that has been properly classified as surplus,
3860 marked for disposal, or otherwise unused by a district school
3861 board shall be provided for a charter school's use on the same

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3862 basis as it is made available to other public schools in the
3863 district. A charter school receiving property from the school
3864 district may not sell or dispose of such property without the
3865 written permission of the school district.

3866 Section 56. Paragraph (e) is added to subsection (2) of
3867 section 1013.385, Florida Statutes, to read:

3868 1013.385 School district construction flexibility.—

3869 (2) A resolution adopted under this section may propose
3870 implementation of exceptions to requirements of the uniform
3871 statewide building code for the planning and construction of
3872 public educational and ancillary plants adopted pursuant to ss.
3873 553.73 and 1013.37 relating to:

3874 (e) Any other provisions that limit the ability of a
3875 school to operate in a facility on the same basis as a charter
3876 school pursuant to s. 1002.33(18) so long as the regional
3877 planning council determines that there is sufficient shelter
3878 capacity within the school district as documented in the
3879 Statewide Emergency Shelter Plan.

3880 Section 57. Subsections (1) and (3) of section 1013.62,
3881 Florida Statutes, are amended to read:

3882 1013.62 Charter schools capital outlay funding.—

3883 (1) Charter school capital outlay funding shall consist of
3884 ~~revenue resulting from the discretionary millage authorized in~~
3885 ~~s. 1011.71(2) and~~ state funds when such funds are appropriated
3886 in the General Appropriations Act. However, if the amount of

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3887 state funds appropriated for charter school capital outlay in
3888 any fiscal year is not equal to or is less than the average
3889 charter school capital outlay funds per unweighted full-time
3890 equivalent student for the 2018-2019 fiscal year, multiplied by
3891 the estimated number of charter school students for the
3892 applicable fiscal year, and adjusted by changes in the Consumer
3893 Price Index from the previous fiscal year, charter school
3894 capital outlay funding shall also consist of revenue resulting
3895 from the discretionary millage authorized in s. 1011.71(2).

3896 (a) To be eligible to receive capital outlay funds, a
3897 charter school must:

3898 1.a. Have been in operation for 2 or more years;

3899 b. Be governed by a governing board established in the
3900 state for 2 or more years which operates both charter schools
3901 and conversion charter schools within the state;

3902 c. Be an expanded feeder chain of a charter school within
3903 the same school district that is currently receiving charter
3904 school capital outlay funds;

3905 d. Have been accredited by a regional accrediting
3906 association as defined by State Board of Education rule; or

3907 e. Serve students in facilities that are provided by a
3908 business partner for a charter school-in-the-workplace pursuant
3909 to s. 1002.33(15)(b).

3910 2. Have an annual audit that does not reveal any of the
3911 financial emergency conditions provided in s. 218.503(1) for the

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3912 most recent fiscal year for which such audit results are
3913 available.

3914 3. Have satisfactory student achievement based on state
3915 accountability standards applicable to the charter school.

3916 4. Have received final approval from its sponsor pursuant
3917 to s. 1002.33 for operation during that fiscal year.

3918 5. Serve students in facilities that are not provided by
3919 the charter school's sponsor.

3920 (b) A charter school is not eligible to receive capital
3921 outlay funds if it was created by the conversion of a public
3922 school and operates in facilities provided by the charter
3923 school's sponsor for a nominal fee, or at no charge, or if it is
3924 directly or indirectly operated by the school district.

3925 (3) If the school board levies the discretionary millage
3926 authorized in s. 1011.71(2), and the state funds appropriated
3927 for charter school capital outlay in any fiscal year are not
3928 equal to or are less than the average charter school capital
3929 outlay funds per unweighted full-time equivalent student for the
3930 2018-2019 fiscal year, multiplied by the estimated number of
3931 charter school students for the applicable fiscal year, and
3932 adjusted by changes in the Consumer Price Index from the
3933 previous fiscal year, the department shall use the following
3934 calculation methodology to determine the amount of revenue that
3935 a school district must distribute to each eligible charter
3936 school:

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3937 (a) Reduce the total discretionary millage revenue by the
3938 school district's annual debt service obligation incurred as of
3939 March 1, 2017, which has not been subsequently retired, and any
3940 amount of participation requirement pursuant to s.

3941 1013.64(2)(a)8. that is being satisfied by revenues raised by
3942 the discretionary millage.

3943 (b) Divide the school district's adjusted discretionary
3944 millage revenue by the district's total capital outlay full-time
3945 equivalent membership and the total number of unweighted full-
3946 time equivalent students of each eligible charter school to
3947 determine a capital outlay allocation per full-time equivalent
3948 student.

3949 (c) Multiply the capital outlay allocation per full-time
3950 equivalent student by the total number of full-time equivalent
3951 students of each eligible charter school to determine the
3952 capital outlay allocation for each charter school.

3953 (d) If applicable, reduce the capital outlay allocation
3954 identified in paragraph (c) by the total amount of state funds
3955 allocated to each eligible charter school in subsection (2) to
3956 determine the maximum calculated capital outlay allocation.

3957 (e) School districts shall distribute capital outlay funds
3958 to charter schools no later than February 1 of each year if
3959 required by this subsection, ~~beginning on February 1, 2018, for~~
3960 ~~the 2017-2018 fiscal year.~~
3961

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3962 By October 1 of each year, each school district shall certify to
 3963 the department the amount of debt service and participation
 3964 requirement that complies with the requirement of paragraph (a)
 3965 and can be reduced from the total discretionary millage revenue.
 3966 The Auditor General shall verify compliance with the
 3967 requirements of paragraph (a) and s. 1011.71(2)(e) during
 3968 scheduled operational audits of school districts.

D I R E C T O R Y A M E N D M E N T

Remove lines 691-695 and insert:

3973 Section 16. Paragraph (b) of subsection (6), paragraphs
 3974 (a) and (d) of subsection (7), paragraph (a) of subsection (8),
 3975 paragraph (n) of subsection (9), and paragraph (b) of subsection
 3976 (20) of section 1002.33, Florida Statutes, are amended to read:

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

Remove lines 293-294 and insert:

funding; providing appropriations; authorizing the

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