

CHAPTER 2014-184

Committee Substitute for Committee Substitute for Senate Bill No. 850

An act relating to education; amending s. 1001.42, F.S.; requiring a school that includes middle grades to include information, data, and instructional strategies in its school improvement plan; requiring a school that includes middle grades to implement an early warning system based on indicators to identify students in need of additional academic support; amending s. 1003.02, F.S.; requiring a district school board to notify parents of return on investment relating to industry certifications; amending s. 1003.42, F.S.; providing State Board of Education duties relating to middle grades courses; amending s. 1003.4203, F.S.; requiring a district school board, in consultation with the district school superintendent, to make CAPE Digital Tool certificates and CAPE industry certifications available to students, including students with disabilities, in prekindergarten through grade 12, to enable students to attain digital skills; providing eligibility for additional FTE funding; requiring innovative programs and courses that combine academic and career instructional tools and industry certifications into education for both college and career preparedness; providing for additional FTE funding; providing for grade point average calculation; requiring the Department of Education to collaborate with Florida educators and school leaders to provide technical assistance to district school boards regarding implementation; authorizing public schools to provide students with access to third-party assessment centers and career and professional academy curricula; encouraging third-party assessment providers and career and professional academy curricula providers to provide annual training; amending s. 1003.4281, F.S.; deleting calculations for paid and unpaid high school credits; amending s. 1003.492, F.S.; requiring return-on-investment information for career education; amending s. 1003.4935, F.S.; authorizing additional FTE funding for certain Digital Tool certificates and industry certifications; amending s. 1003.53, F.S.; authorizing dropout prevention and academic intervention services for a student identified by a school's early warning system; amending s. 1006.135, F.S.; including middle grades schools under provisions prohibiting hazing; revising the definition of the term "hazing"; requiring a school district policy that prohibits hazing and establishes consequences for an act of hazing; revising penalty provisions and providing for applicability; creating s. 1007.273, F.S.; requiring a Florida College System institution to work with each district school board in its designated service area to establish collegiate high school programs; providing options for participation in a collegiate high school program; requiring a local Florida College System institution to execute a contract with a district school board to establish the program; authorizing another Florida College System institution to execute a contract with the district school board in certain circumstances; requiring each district school board to execute the contract with the local Florida College System institution; requiring the contract to be executed by a specified date for the purpose of implementation; specifying information that must be included in the contract; specifying requirements for student performance contracts for students participating in the collegiate high school program; authorizing district school boards to execute a contract with a state university or certain independent colleges and universities to establish the collegiate high school program; providing funding; requiring the State Board of Education to enforce compliance; amending s. 1008.345, F.S.; correcting a cross-reference; amending s. 1008.44, F.S.; requiring the department to annually identify CAPE Digital Tool certificates and CAPE industry certifications; authorizing the Commissioner of Education to recommend adding certain certificates and certifications; providing requirements for inclusion of CAPE Digital Tool certificates and CAPE industry certifications on the funding list; authorizing the commissioner to limit certain Digital Tool certificates and CAPE industry certifications to students in certain grades; providing requirements for the Articulation Coordinating Committee; amending s. 1011.62, F.S.; specifying requirements relating to additional FTE funding based on completion of certain courses or programs and issuance of CAPE industry certification; deleting obsolete provisions; deleting provisions regarding Florida Cyber Security Recognition, Florida Digital Arts Recognition, and Florida Digital Tool Certificates; amending s. 1012.98, F.S.; providing requirements relating to professional development, including inservice plans and instructional strategies, for middle grades

educators; requiring the Department of Education to disseminate professional development in the use of integrated digital instruction; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the accounts and records of nonprofit scholarship-funding organizations; creating s. 1002.385, F.S.; establishing the Florida Personal Learning Scholarship Accounts Program; defining terms; specifying criteria for students who are eligible to participate in the program; identifying certain students who are not eligible to participate in the program; authorizing the use of awarded funds for specific purposes; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; specifying the terms of the program; requiring a school district to notify the parent regarding the option to participate in the program; specifying the school district's responsibilities for completing a matrix of services and notifying the Department of Education of the completion of the matrix; requiring the department to notify the parent regarding the amount of the awarded funds; authorizing the school district to change the matrix under certain circumstances; requiring the school district in which a student resides to notify students and parents of locations and times to take all statewide assessments; requiring the school district to notify parents of the availability of a reevaluation; specifying the eligibility requirements and obligations of an eligible private school relating to the program; specifying the duties of the Department of Education relating to the program; requiring the Commissioner of Education to deny, suspend, or revoke participation in the program or use of program funds under certain circumstances; providing additional factors under which the commissioner may deny, suspend, or revoke a participation in the program or program funds; requiring a parent to sign an agreement with the Department of Education to enroll his or her child in the program which specifies the responsibilities of a parent or student for using funds in an account and for submitting a compliance statement to the department; providing that a parent who fails to comply with the responsibilities of the agreement forfeits the personal learning scholarship account; authorizing an eligible nonprofit scholarship-funding organization to establish personal learning scholarship accounts for eligible students participating in the program; providing for funding and payments; providing for the closing of a student's account and reversion of funds to the state; requiring an eligible nonprofit scholarship-funding organization to develop a system for payment of benefits by electronic funds transfer; providing that moneys received pursuant to the program do not constitute taxable income; providing the Auditor General's obligations under the program; requiring the Department of Health, the Agency for Persons with Disabilities, and the Department of Education to work with an eligible nonprofit scholarship-funding organization for easy or automated access to lists of licensed providers of services; providing that the state is not liable for the award or use of awarded funds; providing for the scope of authority of the act; requiring the State Board of Education to adopt rules to administer the program; providing for implementation of the program in a specified school year; amending s. 1002.395, F.S.; revising the purpose of the Florida Tax Credit Scholarship Program; revising definitions; revising eligibility requirements for the Florida Tax Credit Scholarship Program; requiring the Department of Education and Department of Revenue to publish the tax credit cap on their websites when it is increased; requiring the Department of Revenue to provide a copy of a letter approving a taxpayer for a specified tax credit to the eligible nonprofit scholarship-funding organization; authorizing certain entities to convey, transfer, or assign certain tax credits; providing for the calculation of underpayment of estimated corporate income taxes and tax installation payments for taxes on insurance premiums and assessments and the determination of whether penalties or interest shall be imposed on the underpayment; revising the disqualifying offenses for nonprofit scholarship-funding organization owners and operators; revising priority for new applicants; allowing a student in foster care or out-of-home care to apply for a scholarship at any time; prohibiting use of eligible contributions from being used for lobbying or political activity or related expenses; requiring application fees to be expended for student scholarships in any year a nonprofit scholarship-funding organization uses eligible contributions for administrative expenses; requiring amounts carried forward to be specifically reserved for particular students and schools for audit purposes; revising audit and report requirements for nonprofit scholarship-funding organizations and Auditor General review of all reports; requiring nonprofit scholarship-funding organizations to maintain a surety bond or letter of credit and to adjust the bond or letter of credit quarterly based upon a statement from a certified public accountant; providing exceptions; requiring the nonprofit scholarship-funding organization to

provide the Auditor General any information or documentation requested in connection with an operational audit; requiring a private school to provide agreed upon transportation and make arrangements for taking statewide assessments at the school district testing site and in accordance with the district's testing schedule if the student chooses to take the statewide assessment; requiring parental authorization for access to income eligibility information; specifying that the independent research organization is the Learning System Institute at the Florida State University; identifying grant terms and payments; revising statewide and individual school report requirements; revising limitations on annual scholarship amounts; providing initial and renewal application requirements and an approval process for a charitable organization that seeks to be a nonprofit scholarship-funding organization; requiring the State Board of Education to adopt rules; providing a registration notice requirement for public and private universities to be nonprofit scholarship-funding organizations; requiring the State Board of Education to adopt rules; allowing existing nonprofit scholarship-funding organizations to provide the required bond at a specified date; repealing s. 1003.438, F.S., relating to special high school graduation requirements for certain exceptional students; creating s. 1003.5716, F.S.; providing that certain students with disabilities have a right to free, appropriate public education; requiring an individual education plan (IEP) team to begin the process of, and to develop an IEP for, identifying transition services needs for a student with a disability before the student attains a specified age; providing requirements for the process; requiring certain statements to be included and annually updated in the IEP; providing that changes in the goals specified in an IEP are subject to independent review and parental approval; requiring the school district to reconvene the IEP team to identify alternative strategies to meet transition objectives if a participating agency fails to provide transition services specified in the IEP; providing that the agency's failure does not relieve the agency of the responsibility to provide or pay for the transition services that the agency otherwise would have provided; amending s. 1003.572, F.S.; prohibiting a school district from charging fees or imposing additional requirements on private instructional personnel; amending s. 1008.25, F.S.; requiring written notification relating to portfolios to a parent of a student with a substantial reading deficiency; requiring a student promoted to a certain grade with a good cause exemption to receive intensive reading instruction and intervention; requiring a school district to assist schools and teachers with the implementation of reading strategies; revising good cause exemptions; directing the Florida Prepaid College Board to conduct a study and submit to the Legislature a report under established parameters; amending ss. 120.81, 409.1451, and 1007.263, F.S.; conforming cross-references; providing for application of specified provisions in the act; amending s. 985.622, F.S.; revising requirements for the multiagency education plan for students in juvenile justice education programs; including virtual education as an option; amending s. 1001.31, F.S.; authorizing instructional personnel at all juvenile justice facilities to access specific student records at the district; amending s. 1003.51, F.S.; revising terminology; revising requirements for rules to be maintained by the State Board of Education; providing expectations for effective education programs for students in Department of Juvenile Justice programs; revising requirements for contract and cooperative agreements for the delivery of appropriate education services to students in Department of Juvenile Justice programs; requiring the Department of Education to ensure that juvenile justice students who are eligible have access to high school equivalency testing and assist juvenile justice education programs with becoming high school equivalency testing centers; revising requirements for an accountability system for all juvenile justice education programs; revising requirements for district school boards; amending s. 1003.52, F.S.; revising requirements for activities to be coordinated by the coordinators for juvenile justice education programs; authorizing contracting for educational assessments; revising requirements for assessments; authorizing access to local virtual education courses; requiring that an education program shall be based on each student's transition plan and assessed educational needs; providing requirements for prevention and day treatment juvenile justice education programs; requiring progress monitoring plans for all students not classified as exceptional student education students; revising requirements for such plans; requiring the Department of Education, in partnership with the Department of Juvenile Justice, to ensure that school districts and juvenile justice education providers develop individualized transition plans; providing requirements for such plans; authorizing the Secretary of Juvenile Justice or the director of a juvenile justice program to request that a school district teacher's performance be reviewed by the district and that the teacher be

reassigned in certain circumstances; requiring the Department of Education to establish by rule objective and measurable student performance measures and program performance ratings; providing requirements for such ratings; requiring a comprehensive accountability and program improvement process; providing requirements for such a process; deleting provisions for minimum thresholds for the standards and key indicators for education programs in juvenile justice facilities; revising data collection and annual report requirements; deleting provisions concerning the Arthur Dozier School for Boys; requiring rulemaking; amending s. 1001.42, F.S.; revising terminology; revising a cross-reference; amending s. 1003.4282, F.S.; revising provisions relating to the online course requirement for a standard high school diploma; providing standard high school diploma requirements for students with disabilities; requiring an independent review and a parent's approval to change a high school graduation option specified in the student's individual education plan; providing for a student with a disability to defer the receipt of a standard high school diploma under certain circumstances; authorizing certain students with disabilities to continue to receive certain instruction and services; requiring parental approval and independent review of a waiver of statewide, standardized assessments; requiring the State Board of Education to adopt rules; providing construction with respect to the passage of similar legislation; creating s. 1003.4995, F.S.; requiring the Commissioner of Education to prepare an annual report relating to student access to and participation in fine arts courses and information on educators, facilities, and instruction in such courses; renaming the Florida Agricultural and Mechanical University Crestview Education Center as the "Senator Durell Peaden, Jr., FAMU Educational Center"; providing effective dates.

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

Section 24. Effective July 1, 2015, paragraph (c) of subsection (1) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(c) Notwithstanding s. 120.52(16), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed or administered by the Department of Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s. 1008.22, or s. 1008.25, or any other statewide educational tests required by law, are not rules.

Section 37. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.