

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 7031

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): K-12 Subcommittee; Adkins and others

115 Y's 0 N's

**COMPANION
BILLS:** CS/CS/SB 1226

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 7031 passed the House on March 12, 2014. The bill was amended by the Senate on April 24, 2014, and subsequently passed the House on May 1, 2014.

The bill repeals terminated or unfunded programs, corrects cross references, removes obsolete effective dates, eliminates duplicate reporting requirements, repeals completed pilot programs, and updates nomenclature.

The bill clarifies the graduation requirements for certain high school students. Last session the Legislature passed SB 1076 which, in part, dealt with course and testing requirements for high school graduation. The bill explains how the new graduation requirements impact students who were in high school before SB 1076 passed.

For students entering grade 9 in the 2014-2015 school year and thereafter, the bill adds the requirement that a student must pass the Geometry end-of-course assessment in order to earn a Scholar designation.

The bill removes references to repealed s. 1003.428, F.S., (old high school graduation requirements) and s. 1003.429, F.S., (old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (new standard high school diploma requirements), s. 1003.4281, F.S., (early high school graduation), and s. 1002.3105(5), F.S., (new 18-credit high school graduation option).

The bill establishes a process for modifying the membership of a district school board by allowing a board to adopt a resolution to change the number of members on its board and submit that resolution to the electors for approval.

The bill extends the Adults with Disabilities Workforce Education Pilot to June 30, 2016, and increases the age limit for a program participant from 30 to 40 years of age.

The bill does not have a fiscal impact on state or local governments.

The bill was approved by the Governor on May 12, 2014, ch. 2014-39, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Auditor General Reporting Requirements

Section 11.45, F.S., requires the Auditor General (AG) to annually conduct a financial audit of all state universities and state colleges.¹ The AG is also required to annually conduct a financial audit of the accounts and records of all district school boards in counties with a population of fewer than 150,000.² District school boards in counties with a population of more than 150,000 receive financial audits once every 3 years.³ The AG conducts operational audits of the accounts and records of state universities, state colleges, and district school boards at least every three years.⁴

Upon conclusion of an audit, the AG discusses the audit with the official whose office is subject to audit and if there are any findings provides a list of the AG's findings, which may be included in the audit report.⁵

However, the AG is only required to notify the Joint Legislative Auditing Committee (JLAC) of any audit review which indicates that a state university or state college has failed to take corrective action in response to a recommendation which was included in two preceding financial or operational audit reports.⁶ There is no requirement that the AG notify JLAC that a school district has failed to take corrective action in response to recommendations.

The bill amends s. 11.45, F.S., requiring the AG to notify the JLAC of any audit review which indicates that a school district has failed to take corrective action in response to a recommendation included in two preceding financial or operational audit reports.

Administrative Procedures Act - Agency Review, Revision, and Report

Chapter 120, F.S., the Administrative Procedures Act (APA), establishes the process for administrative rulemaking. Rulemaking authority is delegated by the Legislature⁷ through statute and authorizes or requires an agency to "adopt, develop, establish, or otherwise create" a rule.⁸

Section 120.74(1), F.S., requires agencies to review their rules and perform the following:

- Identify and correct deficiencies;
- Clarify and simplify rules;
- Delete obsolete or unnecessary rules;
- Delete rules that are redundant of statutes;
- Improve efficiency, reduce paperwork, or decrease cost to government and the private sector;
- Confer with agencies having concurrent jurisdiction and determine whether their rules can be coordinated; and
- Determine whether rules should be amended or repealed to reduce the impact on small business while meeting the stated objectives of the proposed rules.

By October 1 of each odd-numbered year, each agency must file a report with the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures

¹ Section 11.45(2)(c), F.S.

² Section 11.45(2)(d), F.S.

³ Section 11.45(2)(e), F.S.

⁴ Section 11.45(2)(f), F.S.

⁵ Section 11.45(4)(d), F.S.

⁶ Section 11.45(7)(j), F.S.

⁷ *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla.1st DCA 2000).

⁸ Section 120.52(17), F.S.

Committee (JAPC), and each substantive committee of the Legislature, certifying, among other things, that the agency reviewed its rules in accordance with s. 120.74(1) F.S., and detailing changes made to the agency's rules as a result of the review.⁹

By July 1 of each year each agency must file with the President of the Senate, the Speaker of the House of Representatives, and the Administrative Procedures Committee a regulatory plan identifying and describing each rule the agency proposed to adopt for the 12 month period beginning on the July 1 reporting date and ending on the subsequent June 30,¹⁰ excluding emergency rules.¹¹

The bill amends s. 120.74, F.S., to exclude school districts, Florida College System (FCS) institutions, the Florida School for the Deaf and the Blind, and State University System (SUS) institutions from the rule review and reporting requirements. These entities otherwise adopt and review rules pursuant to specific requirements of law and are subject to legislative oversight by the various education committees.

Truancy Petition; Prosecution; Disposition

Section 984.151(1), F.S., authorizes the district school superintendent to file a truancy petition if the school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90 calendar day period or has had more than 15 unexcused absences in a 90 calendar day period.

The bill amends s. 984.151(1), F.S., allowing the district school superintendent's designee to file a truancy petition.

Education Governance Transfers

Section 1000.01(5), F.S.,¹² abolished the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Committee effective July 1, 2001. The powers, duties, functions, records, personnel, property, unexpected balances of appropriation allocations, other funds, administrative authority; administrative rules; pending issues, and existing contracts of the Board of Regents, the State Board of Community Colleges, the Articulation Coordinating Committee, and the Education Standards Commission were transferred to the State Board of Education (state board).

The bill repeals s. 1000.01(5), F.S., relating to the education governance transfers because the transfers have already occurred. The language is obsolete.

Regional Education Compact and Interstate Compact on Educational Opportunity for Military Children

Sections 1000.33 and 1000.37, F.S., requires the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact.

Regional Education Compact

The Regional Education Compact promotes the development and maintenance of regional education services and facilities in the Southern States in the professional, technological, scientific, literary, and

⁹ Section 120.74(2), F.S.

¹⁰ Section 120.74(3), F.S.

¹¹ Section 120.54(4)(a), F.S. States that if an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger.

¹² Formally s. 229.003, F.S., (Florida education governance reorganization) as amended by s. 3, ch. 2001-170, L.O.F.

other fields so as to provide greater educational advantages.¹³ The Southern Regional Education Board's website provides information on which states are participating in the Regional Education Compact.¹⁴

Interstate Compact on Educational Opportunity for Military Children

The Interstate Compact on Educational Opportunity for Military Children enables member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families.¹⁵ Member states are required to establish an "Interstate Commission on Educational Opportunity" to oversee the governance of the compact. The commission's website provides information on which states are participating in the compact.¹⁶

The bill repeals ss. 1000.33 and 1000.37, F.S., requiring the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact. The information relating to the compacts and states that are members of the compacts can be located online.

Commissioner of Education

Section 1001.10(6)(h), F.S., provides the Commissioner of Education the power and duty to develop and implement a plan for cooperating with the federal government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes.

In 2006, this section of law was amended to require the commissioner to submit to the Legislature a proposed state plan for the reauthorization of the No Child Left Behind (NCLB) Act before the plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives were to appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed state plan.¹⁷

Florida has never sent a state plan to the United States Department of Education for the reauthorization of the NCLB Act. The bill repeals s. 1001.10(6)(h), F.S., due to the fact that states do not have authority to reauthorize or plan reauthorization of a federal law, only the United State Congress has that authority.

Section 1001.10(6)(k), F.S., requires the commissioner to maintain a Citizen Information Center responsible for the preparation, publication, and dissemination of user-friendly materials relating to K-12 scholarship programs and Voluntary Prekindergarten (VPK) Education programs. According to the Department of Education (DOE) there is no Citizen Information Center.¹⁸

¹³ Section 1000.32, F.S.

¹⁴ Southern Regional Education Board (SREB), *About SREB*, http://www.sreb.org/page/1068/about_SREB.html (last visited Dec. 16, 2013).

¹⁵ Section 1000.36, F.S.

¹⁶ Military Interstate Children's Compact Commission (MIC3), *MIC3 In The United States*, http://mic3.net/pages/contact/contactmic3_map.aspx (last visited Dec. 16, 2013).

¹⁷ Section 7, ch. 2006-74, L.O.F.

¹⁸ Telephone conference with Deputy Director, Florida Department of Education, Governmental Relations and K-12 Subcommittee Policy Chief (Dec. 2013).

The bill amends s. 1001.10(6), F.S., to remove the requirement for the commissioner to submit a reauthorization plan of the NCLB Act and removes the reference to the Citizen Information Center. However, the commissioner is still responsible for dissemination of materials relating to K-12 scholarship programs and VPK Education programs, which is done through various divisions within DOE.

Educational Television

Section 1001.25, F.S., authorizes DOE to establish a television network. DOE is required, through educational television or other electronic media, to extend educational services to all the state system of public education, except SUS institutions. DOE established a television network known as the Knowledge Network. The Knowledge Network was discontinued as of July 1, 2011. DOE only has on its website under public broadcasting links to public broadcasting system sites, the Florida Channel, and Florida Public Radio Stations.

The bill repeals s. 1001.25, F.S.

Section 1001.26, F.S., provides that the public broadcasting system for Florida is administered by DOE pursuant to rules adopted by the state board. DOE has not adopted rules. However, the law is self-executing and no rules are necessary.

The bill amends s. 1001.26, F.S., to:

- Remove the requirement that the state board adopt rules for the administration of the program.
- Revise DOE's administrative duties to simply distribute funds as appropriated by the Legislature.
- Remove the requirement that the public broadcasting system must complement and share resources with the instructional programming services of DOE and educational Ultra High Frequency (UHF), Very High Frequency (VHF), Educational Broadband Services (EBS), and Frequency Modulation (FM) stations in the state. DOE no longer provides instructional programming.
- Remove the requirement that the public broadcasting system must include support for new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or provide a significant new program service as defined by state board rule.¹⁹

The bill imports from repealed s. 1001.25, F.S., that the facilities, plant, or personnel of any educational television station that is supported in whole or in part by state funds may not be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office; that fair, open and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the state's citizens are fully informed about issues and candidates in campaigns; and that violation of any prohibition contained in this section is a misdemeanor of the second degree.

District School Board Membership

¹⁹ The Federal Communications Commission (FCC) issues licenses for any new noncommercial outlet which includes the public broadcasting stations. Noncommercial television stations are issued licenses for an eight-year period. Once the license is issued by the FCC, the Corporation for Public Broadcasting (CPB) "qualifies" the station to be a part of the public broadcasting system. Congress created the CPB and since 1968 has been the steward of the federal government's investment in public broadcasting and the largest single source of funding for public radio, television, and related online and mobile services. For a number of years, the CPB has not been "qualifying" new public broadcasting stations and, in fact, believe that the PBS market has long been completely saturated. Not only are they not qualifying any new stations or PBS affiliates, they are also not replacing any station or affiliate that goes "dark" because of budgetary reasons. E-mail, Florida House of Representatives, Appropriations Committee (Jan. 24, 2014).

Section 1001.34, F.S. specifies that each district school board must be composed of not less than five members. Each district school board member must be a qualified elector of the district in which he or she serves and must be a resident of the member's residence area from which the member is elected. Residency must be maintained throughout the term of office.

The bill amends s. 1001.34, F.S., providing for the adoption of a resolution by a district school board to modify its membership and specify the number of members to be elected by residence areas or at large. The bill requires that the resolution specify a procedure for altering the membership of the board, including any necessary changes to stagger the terms of additional members.

If adopted, the resolution is subject to the approval of the electors in a referendum to be held at the next primary or general election. The bill provides that, if the referendum is approved, an election to modify the membership of the school board may occur at any primary, general, or otherwise-called special election.

District School Superintendent Salary

Section 1001.47(7), F.S., provides that for fiscal year 2009 - 2010 the salary of each elected district school superintendent be reduced by 2 percent.

The bill repeals s. 1001.47(7), F.S., removing the authorization to reduce each elected district school superintendent's 2009 - 2010 salary by 2 percent. The reduction in the salaries of elected district school superintendents only applied to fiscal year 2009 - 2010.

Section 1001.50(6), F.S., encourages district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least 5 percent.

The bill repeals s. 1001.50(6), F.S., removing the option for district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least 5 percent. The reduction in the salaries of superintendent's annual remuneration only applied to fiscal year 2009 - 2010.

Transfer of Benefits

Section 1001.62, F.S., requires: "All local or special acts in force on July 1, 1968, that provide benefits for a Florida College System institution through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the FCS institution board of trustees." The transfer of benefits arising under local or special acts occurred in 1968.

The bill repeals s. 1001.62, F.S., removing outdated language relating to the transfer of benefits arising under local or specials acts.

Controlled Open Enrollment Plan

Section 1002.31, F.S., authorizes, but does not require, each school district to offer controlled open enrollment,²⁰ yet requires each school district to develop a controlled open enrolment plan and submit the plan to the commissioner. Districts must develop a system of priorities for the controlled open enrollment plan that includes consideration of the following:

- An application process required to participate in the controlled open enrollment program.

²⁰ Controlled open enrollment is the system by which school districts make student school assignments with parental preference as a significant factor. Any controlled open enrollment program must be offered in addition to existing choice programs such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.

- A process that allows parents to declare school preferences.
- A process that encourages placements of siblings within the same school.
- A lottery procedure used by the school district to determine student assignment.
- An appeal process for hardship cases.
- Procedures to maintain socioeconomic, demographic, and racial balance.
- Availability of transportation.
- A process that promotes strong parental involvement, including the designation of a parent liaison.
- A strategy that establishes a clearing house of information designed to assist parents in making informed choices.²¹

The bill amends s. 1002.31, F.S., requiring only the school districts offering controlled open enrollment to submit a controlled open enrollment plan to the commissioner.

Charter Schools and Charter Technical Career Centers

Section 1002.33(6)(a), F.S., requires as part of the charter school application process that applicants provide documentation of participation in training provided by DOE, contrary to other law that requires training only after an applicant has been approved.²² This required training would have to be done before the applicant was approved to open a charter school.

Section 1002.34(6)(d), F.S., requires DOE to offer or arrange for training and technical assistance to charter technical career center applicants in developing business plans and estimating costs and income. The assistance must address estimating startup cost, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the center may be eligible to receive. The training must include instruction in accurate financial planning and good business practices. Charter technical career center applicants are required to participate in training provided by DOE before filing an application.

The bill amends ss. 1002.33(6)(a), and 1002.34(6)(d), F.S., removing the requirement that DOE train applicants before they have been approved in order to conform with changes made to the law in 2011²³ that simply requires DOE to offer or arrange for training and technical assistance to approved applicants. Approved applicants must participate in training at least 30 days before the first day of classes.²⁴

Charter Schools and Charter Technical Career Centers / Financial Conditions and Financial Emergencies

Section 1002.345, F.S., provides that a charter school or a charter technical career center is subject to an expedited review by the sponsor if one of the following occurs:

- Failure to provide for an audit.
- Failure to comply with reporting requirements.
- Receipt of an annual audit or monthly financial statement identifying a deteriorating financial condition, or notification of a financial emergency.

A sponsor must notify the charter school's or center's governing board within 7 business days after one of these conditions occurs. The commissioner must annually report to the state board each charter

²¹ Section 1003.31(5), F.S.

²² See s. 1003.33(6)(f), F.S.

²³ Section 3, ch. 2011-232, L.O.F. (CS/CS/CS/SB 1546).

²⁴ Section 1002.33(6)(f), F.S.

school and charter technical career center that is subject to a financial recovery plan or a corrective action plan.

The bill amends s. 1002.345, F.S., reiterating that high-performing charter schools are only required to submit quarterly financial statements to their sponsors. The bill requires the sponsor to notify the commissioner of the need for an expedited review. This will provide the commissioner with a timeframe for when to expect the corrective action plan from the governing board and sponsor.

The bill also removes the requirement that the commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan. Whether a charter school or charter technical career center is subject to a financial recovery plan or corrective action plan is between the charter school or center and its sponsor, the school district – this has nothing to do with the state board. Requiring the commissioner to report such information to the state board is without consequence in that the state board is not authorized by law to do anything about the situation – it is a local issue, up until such time a school district revokes or refuses to renew a charter or center and the charter or center chooses to appeal to the state board.

John M. McKay Scholarship

The John M. McKay Scholarships for Students with Disabilities Program provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. To be eligible to receive a McKay Scholarship, the student must:

- Have received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and have a current individual educational plan (IEP) or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973;
- Have spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind; or
- Have been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program (FEFP) surveys, in any of the 5 years prior to 2010 - 2011 fiscal year; have a current IEP no later than June 30, 2011; and receive a first-time McKay scholarship for the 2011 - 2012 school year.

Section 1002.39(2)(a)3., F.S., expanded the eligibility window for students to qualify for a McKay Scholarship for one year only. Students who spent any of the 5 years in public school prior to the 2010 - 2011 fiscal year could apply by June 30, 2011. This application period has expired. Students who qualified under this provision and received a McKay Scholarship will continue to receive the scholarship until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.

The bill amends s. 1002.39(2)(a)3., F.S., removing the outdated language expanding the eligibility window for students to qualify for a McKay Scholarship. The time parameter has expired.

K-8 Virtual School Programs

In 2003, the Legislature authorized DOE to create a minimum of two pilot K-8 virtual schools. The schools were established as independent, statewide public schools that use online and distance learning technology to deliver instruction to full-time students in kindergarten through grade eight.²⁵

In 2006, the Legislature removed the program's pilot status and statutorily codified the K-8 Virtual School Program as a statewide educational choice program within DOE.²⁶ The K-8 Virtual School

²⁵ Specific Appropriation 4D, s. 1, ch. 2003-397, L.O.F.

²⁶ Section 1, ch. 2006-48, L.O.F., *codified at* s. 1002.415, F.S.

Program is subject to annual legislative appropriation. The K-8 Virtual School Program reported 0 FTE in the 2012 - 2013 FEFP third calculation and .17 FTE for the 2012 - 2013 fifth calculation.²⁷

The bill repeals s. 1002.415, F.S., eliminating the K-8 Virtual School Program under this section because no students are enrolled. However, this does not eliminate the program because the program was transferred to Palm Beach school district and Palm Beach receives FEFP funding for this program.²⁸

Professional Credentials of Prekindergarten Instructors

Section 1002.65, F.S., enacted in 2004,²⁹ established aspirational goals for the 2010 - 2011 academic year that included the following:

- Each prekindergarten class will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and
- Each prekindergarten class composed of 11 or more students, in addition to the prekindergarten instructor who meets the degree requirements, the class will have at least one prekindergarten instructor who meets each of the following requirements:
 - The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - A child development associates credential issued by the National Credentialing Program of the Council for Professional Recognition (NCPCPR); or
 - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential issued by the NCPCPR.
 - The prekindergarten instructor must successfully complete an emergent literacy training course and a student performance standards training course.³⁰

Aspirational goals were also set for the 2013 - 2014 academic year, that each prekindergarten class will have at least one kindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child-development.³¹

The bill repeals s. 1002.65, F.S., because the time parameter for meeting the aspirational goals for VPK instructors has expired.

Financial Literacy Cost Analysis

Section 1003.41(3), F.S., requires the commissioner to prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The commissioner is required to work with one or more nonprofit organizations with proven expertise in the area of personal finance, consider free resources that can be utilized for instructional materials, and provide data on the implementation of such a course in other states. The commissioner must provide the cost analysis to the President of the Senate and the Speaker of the House of Representatives by October 1, 2013.

On October 1, 2013, the commissioner provided the President of the Senate and the Speaker of the House of Representatives an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy.³²

²⁷ E-mail, Florida House of Representatives, Education Appropriations Subcommittee (Aug. 14, 2013).

²⁸ Telephone interview with Florida House of Representatives, Education Appropriations Subcommittee staff (Jan. 8, 2014).

²⁹ Section 1, ch. 2004-484, L.O.F.

³⁰ Section 1002.55(3)(c), F.S.

³¹ Section 1002.65(2)(b), F.S.

³² The cost analysis contained four scenarios for implementing a separate, one-half course in financial literacy. The first scenario assumes that only a classroom set of hardback books will be purchased for the first year. The estimated cost of implementation if

The bill amends s. 1003.41(3), F.S., removing obsolete language requiring the commissioner to provide a cost analysis.

School Assessment and Promotion

Middle Grades Promotion

Section 1003.4156(1)(b), F.S., provides that in order to be promoted from middle school to high school a student must successfully complete 3 middle grades or higher courses in mathematics. A middle grades school must offer at least 1 high school level mathematics course for which a student may earn high school credit. Successful completion of high school level Algebra I or Geometry courses is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment or, upon transition to common core assessments, the common core Algebra I or Geometry assessment. Beginning with the 2011 - 2012 school year, to earn high school credit for Algebra I, a middle grades student was to have passed the Algebra I EOC assessment. Beginning in the 2012 - 2013 school year, to earn high school credit for Geometry a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade and earn a passing grade in the course.

The bill amends s. 1003.4156, F.S., eliminating the reference to common core assessment and the must pass Algebra I EOC requirement for a middle grades student to earn high school credit. However, beginning with the 2013 - 2014 school year and thereafter, like Geometry, student performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade.

Section 1003.4156(1)(c), F.S., provides that to be promoted from middle grades to high school a student must successfully complete 3 middle grades or higher courses in social studies. Beginning with students entering grade 6 in the 2012 - 2013 school year, one of these courses must be at least a one-semester civics education course.

The bill establishes a transfer policy for a middle grades student who transfers into the state's public school system from out of the country, out of state, a private school, or a home education program. The policy provides that if a student transfers in after the beginning of the second term of the eighth grade the student is not required to meet the civics education requirement for promotion from middle grades, if the student's transcript documents passage of 3 courses in social studies or 2 year-long courses in social studies that included coverage of civics education.

Section 1008.22(3)(b)1., F.S., states that middle grades students enrolled in Algebra I or Geometry must take the statewide, standardized EOC assessment for those courses and are "not required" to take the corresponding grade-level Florida Comprehensive Assessment Test (FCAT). Because the law does not prohibit double testing some districts have so required.

The bill amends s. 1008.22(3)(b)1., F.S., providing that a middle grades student enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses but "shall not take" the corresponding subject and grade-level statewide, standardized assessment. For example, if a seventh grade student takes Algebra I that student must take the Algebra I EOC assessment but is prohibited from taking the grade 7 statewide, standardized mathematics assessment.

\$2,917,824 the first year, with a total cost of \$4,627,904 for the first five years. The second scenario assumes that a hardback book will be provided to every student that is enrolled in the course. The first year estimated cost is \$11,605,904, with a total cost of \$18,486,080 for the first five years. The third scenario assumes that the financial literacy course will be taken electronically through a free online course. The first year estimated cost is \$161,581, with no additional cost after the first year. The fourth scenario assumes that there are no instructional materials cost. The curriculum will be obtained online through a free certified online learning website. The first year estimated cost is \$134,944, with no additional cost after the first year. Florida Department of Education, Office of the Commissioner of Education, *Implementation of Financial Literacy Course* (Oct. 2013).

High School Graduation Requirements

In 2013, the Legislature passed CS/CS/SB 1076. The bill, in part, created a new section of law, s. 1003.4282, F.S., establishing high school graduation requirements for students entering grade 9 in the 2013 - 2014 school year and thereafter.

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;³³ an 18-credit graduation option;³⁴ or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) program.

CS/CS/SB 1076 created s. 1002.3105(5), F.S., which established the new 18-credit graduation option and repealed the old 18-credit college preparatory and career preparatory graduation options contained in s. 1003.429, F.S.

In addition, current law provides, in s. 1003.4281, F.S., that each school district must adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.

The bill removes references to repealed s. 1003.428, F.S., (old high school graduation requirements) and s. 1003.429, F.S., (old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (new standard high school diploma requirements), s. 1003.4281, F.S., (early high school graduation), and s. 1002.3105(5), F.S. (new 18-credit high school graduation option).

Online Course Requirement

Section 1003.4282(4), F.S., requires at least one course within the 24 credits required for a standard high school diploma be completed through online learning. However, an online driver education course is excluded from meeting the online course requirement.

The bill amends s. 1003.4282(4), F.S., to remove the prohibition against using a driver's education course taken online from meeting the requirement that a student take at least one course online.

Certificate of Completion

Section 1003.4282(7), F.S., provides that "a certificate of completion may be awarded to a student who fails to earn the required credits or achieve a 2.0 GPA must be awarded a certificate of completion by the state board."

The bill amends s. 1003.4282, F.S., to correctly provide that a student who earns the required 24-credits or 18-credits but fails to pass the required assessments or earn a 2.0 GPA must be awarded a certificate of completion. The bill also clarifies that a student awarded a certificate of completion may remain in high school for one additional year, either full-time or part-time, in order to receive special instruction designed to remedy his or her identified deficiencies.

Cohort Transition to New Graduation Requirements

CS/CS/SB 1076 did not repeal s. 1003.428, F.S., the old law dealing with high school graduation requirements for students entering grade 9 in the 2007 – 2008 school year and thereafter. Certain provisions in s. 1003.4282, F.S., the new graduation requirements, beginning with students entering grade 9 in the 2013 – 2014 school year, created by CS/CS/SB 1076, did reference, in part, students in

³³ Section 1003.428, F.S.

³⁴ Section 1002.3105(5), F.S. Effective July 1, 2013, students may earn a standard high school diploma in 18 credits by achieving a 2.0 GPA; earning credit in the same 15 ELA, mathematics, science, social studies, and fine and performing arts courses required under the traditional 24-credit option; and earning 3 elective credits, instead of the 6 electives required by the 24-credit option.

earlier grade 9 cohorts. As a result, confusion arose as to what provisions of law applied to students entering grade 9 prior to the 2013 – 2014 school year.

The bill identifies, with specificity, all course and assessment requirements for students entering grade 9 before the 2010 – 2011 school year,³⁵ entering grade 9 in the 2010 – 2011 school year,³⁶ entering grade 9 in the 2011 – 2012 school year,³⁷ and entering grade 9 in the 2012 – 2013 school year.³⁸

The bill adds an automatic repeal date of July 1, 2020, to the new subsection of law that identifies, by grade 9 cohorts, all course and assessment requirements for graduating from high school with a standard diploma. The grade 9 students in the identified cohorts will have graduated from high school by 2017. The bill also provides that policy adopted in rule by a district school board may require for any cohort of students that performance on a statewide, standardized EOC assessment constitutes 30 percent of a student's final course grade.

Industry Certification

There are two ways in which students may use career education or industry certification courses to satisfy core academic credits required for a standard high school diploma. First, DOE is required to develop, for approval by the state board, multiple, career education courses, or a series of courses that allow students to simultaneously earn career education course and academic course credit in courses required for graduation.³⁹ Second, students entering grade 9 in the 2013 – 2014 school year and thereafter may substitute industry certification courses that lead to college credit for up to 2 mathematics credits and up to 1 science credit.⁴⁰

The bill amends s. 1003.4282, F.S., to add that the industry certification that can be substituted for credit must have a statewide college credit articulation agreement approved by the state board. The bill provides that students who earn an industry certification for which there is a statewide college credit articulation agreement approved by the state board may not substitute certification for Algebra I, Geometry, or Biology I.

³⁵ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁶ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry school year; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁷ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U. S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; and One online course.

³⁸ The requirements are four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in world History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; One online course.

³⁹ Section 1003.4282(9)(a), F.S. Such courses must include workforce and digital literacy skills, practical applications of academic course content, and lead to one or more industry certifications or clearly articulated credit or advanced standing in a two-year or four-year certificate or degree program, including work-related internships or apprenticeships. The state board must determine whether academic standards are sufficiently covered to warrant the award of academic credit. Additionally, school districts, postsecondary institutions, education consortia, local workforce boards, business, and industry may collaborate in creating career education courses that lead to academic course credit. Courses developed through this collaborative process must meet the same rigorous standards as those created by DOE and be approved by the state board. Section 1003.4282(9)(b)-(c), F.S.

⁴⁰ Section 1003.4282(3)(b) and (c), F.S. (Effective for students entering 9th grade in the 2013 - 2014 school year and thereafter).

The bill also requires that if a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or U. S. History, the transferring course final grade and credit must be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

Student Assessments

Section 1008.22, F.S., requires the commissioner to design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The statewide, standardized assessment program must be designed and implemented to include the FCAT until replaced by common core assessments in English Language Arts (ELA) and mathematic.

The state board must adopt rules to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to common core assessments in ELA and mathematics.⁴¹ The state board must also designate by rule a passing score for each statewide, standardized EOC and FCAT assessment. In addition the state board must designate a score for each statewide, standardized EOC assessment that indicates that a student is high achieving and has the potential to meet college readiness standards by the time the student graduates from high school.⁴²

The FCAT includes annual comprehensive assessments of reading in grades 3 through 10; comprehensive assessments of mathematics in grades 3 through 8; comprehensive assessments of writing at least once at the elementary, middle, and high school levels; and comprehensive assessments of science in the elementary and middle grades levels.⁴³ In 2010, the Legislature required the phased-in replacement of grades 9 and 10 FCAT Mathematics with the EOC assessments in Algebra I and Geometry and grade 11 FCAT Science with an EOC assessment in Biology I.⁴⁴

Section 1008.22(3)(c)2., F.S., states that a student with a disability for whom the IEP team determines that the statewide, standardized assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have assessment results waived for the purpose of receiving a course grade or a standard high school diploma. Such waiver must be designated on the student's transcript.

The bill:

- Removes reference to common core assessments.
- Removes the requirement that the state board designate an additional cut score on EOC assessments that identifies a student as high achieving because how high achieving a student is can be determined by the score the student receives on the assessment, i.e., Levels 1 - 5.
- Clarifies that a student's performance on the Algebra II and Biology I EOC assessment constitutes 30 percent of a student's final course grade, in conformance with s. 1003.4282, F.S.
- Specifies that the waiver of assessment results on a student's transcript must be limited to a statement that "performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable."
- Removes rulemaking requirements for the state board to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to common core assessments in ELA and mathematics. The commissioner is required to establish and publish on DOE's website an implementation schedule to transition from the statewide, standardized Reading and writing assessments to the

⁴¹ Section 1008.22(3)(d)3., F.S.

⁴² Section 1008.22(3)(d)2., F.S.

⁴³ Section 1008.22(3)(a), F.S.

⁴⁴ Section 1008.22(3)(b), F.S.

ELA assessments and to the revised Mathematics assessments including the Algebra I and Geometry EOC assessments.

Scholar Designations

Section 1003.4285, F.S., provides that students may earn a Scholar designation if they satisfy additional course testing requirements exceeding the requirements for a standard high school diploma.

Students pursuing a Scholar designation must:

- Pass the 11th grade ELA common core assessment, effective when the state transitions to common core assessments;
- Earn one credit in Algebra II and one credit in Statistics or an equally rigorous course. When the state transitions to common core assessments, students must pass the Algebra II common core assessment;
- Pass the Biology I EOC assessment and earn one credit in Chemistry or Physics and one credit in an equally rigorous course;
- Pass the U.S. History EOC assessment;
- Earn two credits in the same foreign language; and
- Earn at least one credit in an AP, IB, AICE, or a dual enrollment course.

The bill amends s. 1003.4285, F.S., by removing references to common core assessments and adding a new requirement that beginning with students entering grade 9 in the 2014 - 2015 school year, in order to earn a Scholar designation, a student must pass the statewide, standardized Geometry EOC assessment. In addition, the bill clarifies the Scholar designation requirements added last legislative session requiring a student to pass the Algebra II EOC assessment and the grade 11 ELA assessment by making those requirements only applicable to students entering grade 9 in the 2014-2015 school year and thereafter. If the requirements were not attached to the incoming 9th grade cohort in 2014-2015 school year and thereafter, then the requirement would apply to students already in high school who may have already completed Algebra II or grade 11 ELA courses. These students would be in effect penalized by the new requirements by having to go back and take the Algebra II or grade 11 ELA assessments, even though they had completed the courses.

The bill provides that a student enrolled in an AP, IB, or AICE Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit meets the Scholar designation science requirement without having to take the statewide, standardized Biology I EOC assessment. The bill also provides that a student enrolled in an AP, IB, or AICE course that includes U.S. History topics, who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit meets the Scholar designation social studies requirement without having to take the statewide, standardized U.S. History EOC assessment.

Common Core State Standards

The Common Core State Standards Initiative is a state-led effort coordinated by the National Governors Association Center for Best Practices and the Council of Chief State School Officers to establish a shared set of educational standards for ELA and Mathematics that states may adopt.⁴⁵

DOE announced its intention to join the Common Core State Standards Initiative in July 2009, several months after K-16 Florida educators originally convened to draft the Next Generation Sunshine State Standards in ELA. DOE then worked to develop standards with the Common Core State Standards Initiative. Draft common core standards for ELA and Mathematics were submitted for public comment in

⁴⁵ Common Core State Standards Initiative, *Frequently Asked Questions*, <http://www.corestandards.org/resources/frequently-asked-questions> (last visited Dec. 8, 2013).

March 2010 and the final standards were released in June 2010.⁴⁶ On July 27, 2010,⁴⁷ joining 44 other states, the state board adopted the common core standards in ELA and Mathematics as part of the Next Generation Sunshine State Standards.⁴⁸

The ELA and Mathematics common core state standards were to be assessed through an assessment system selected by the state board, beginning in the 2014 – 2015 school year.

In response to concerns regarding federal intrusion, Governor Scott convened an Education Summit in August 2013. Summit participants reviewed and provided input on educational standards and assessments, school grades, and teacher evaluation. Following the summit, the governor issued an Executive Order directing the commissioner to coordinate an open public review of the standards and to take numerous actions to address the other summit issues as well as data security.⁴⁹ The commissioner was also charged with recommending a Florida Plan for Education Accountability, and issuing a competitive solicitation to procure Florida's next assessment based on criteria established by the governor.

As directed by the Executive Order, in the Fall of 2013, DOE provided options for the public to provide input to policy makers. First, three public meetings were held throughout the state at which attendees had the opportunity to communicate support for or concerns about the standards. Second, a website was posted that provided information about the standards, links to proposed revisions, transcripts of the public meetings, and other resources. Third, an email address was created for individuals to send comments directly to DOE. A third party analyzed more than 19,000 public comments. Based on the input, the commissioner recommended 98 changes to the ELA and Mathematic standards.

On February 18, 2014, the state board adopted the recommended changes to the ELA and Mathematics standards.⁵⁰ The newly revised standards are designed to equip Florida's students to be college and career ready when they graduate from high school. No other state has our exact standards. If common core standards change in the future Florida will not be impacted and Florida will not be involved.

The commissioner announced on March 17, 2014, the award of the new assessment contract for all statewide standardized assessments.⁵¹

The bill removes reference to the common core standards and FCAT and adds a more generic reference to state standards and statewide, standardized assessments, respectively. Reference to common core standards within the definition of Next Generation Sunshine State Standards is also deleted.

Junior Reserve Officers' Training Corps

Section 1003.451, F.S., prohibits a school district from banning any branch of the United States Armed Forces or the U. S. Department of Homeland Security from establishing, maintaining, or operating a

⁴⁶ Common Core State Standards Initiative, *Common Standards*, <http://www.corestandards.org/> (last visited Jan. 8, 2014).

⁴⁷ Florida Department of Education, *State Board of Education Agenda*, http://www.fldoe.org/board/meetings/2010_07_27/agenda.asp (last visited Jan. 8, 2014).

⁴⁸ Common Core State Standards Initiative, *In the States*, <http://www.corestandards.org/in-the-states> (last visited Jan. 8, 2014). The only states that have not adopted the common core state standards are Alaska, Nebraska, Texas, and Virginia. Minnesota adopted common core standards in 2010, but kept the states own math standards.

⁴⁹ Executive Office of the Governor, *Florida Plan for Education Accountability Executive Orders* (2013-276), available at <http://www.flgov.com/wp-content/uploads/orders/2013/13-276-florida-plan.pdf>. For legislation addressing other Education Summit issues, see SB 1642, SB 864, and SB 188.

⁵⁰ Florida Department of Education, Bureau of Standards and Instructional Support, <http://www.fldoe.org/bii/curriculum/sss/> (last visited May 15, 2014).

⁵¹ Florida Department of Education, Press Office (2014), available at, <http://www.fldoe.org/pdf/FloridaChoosesReplacementFCAT.pdf>.

unit of the Junior Reserve Officers Training Corps (ROTC) at a public high school. A school district must grant military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to secondary school students, facilities, and grounds which the district grants to postsecondary educational institutions or prospective employers of students.

The state board is authorized to adopt rules and take enforcement action against school districts that do not comply with these requirements.⁵² However, the state board has not yet adopted rules to administer these provisions.

The bill repeals s. 1003.451(5), F.S., removing the authority for the state board to adopt rules to administer the section. The law is self-executing, therefore no rule is necessary.

Academically High-Performing School Districts

Section 1003.621(1)(a), F.S., requires that academically high-performing school districts must have no material weakness or instances of material noncompliance noted in their annual financial audits conducted by the AG.

The bill amends s. 1003.621(1)(a), F.S., to include a reference to s. 11.45, F.S., which requires the AG to conduct annual financial audits and operational audits of school districts every 3 years. The bill also deletes reference to the 2004 – 2005 school year, which was the year school districts could begin meeting the criteria for designation as an academically high-performing school district.

Adult High School Credit Program

Section 1004.02(4), F.S., defines “adult high school credit program” for purposes of chapter 1004 as “the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law, the graduation standards for adults must be the same as those for secondary students.” The term “adult high school credit program” does not appear in chapter 1004.

The bill removes the definition of “adult high school credit program” and adds the following 18 credit graduation option for adult students:

- Four credits in English Language Arts;
- Four credits in mathematics;
- Three credits in science, two of the required three credits must have laboratory component. The laboratory requirement may be waived by the district school board;
- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or practical arts, or one other elective credit; and
- Three credits in electives.

To be eligible for an 18-credit graduation option, the student must earn a cumulative GPA of 2.0 on a 4.0 scale.

An adult seeking a 24-credit standard high school diploma may also substitute one elective credit for the required credit in fine or performing arts, speech and debate, or practical arts. In addition, the science laboratory requirement may be waived by the district school board. Finally, the one credit requirement in physical education may be substituted with an elective credit.

State University Degree Programs

⁵² Section 1003.451(4) and (5), F.S.

In 2010, the Legislature authorized Florida Atlantic University (FAU) to offer a Doctor of Medicine degree program, subject to the approval of the Board of Governor (BOG).⁵³ On April 7, 2010, BOG approved the program at FAU.

In 2010, the Legislature authorized a Doctor of Pharmacy degree program at the University of South Florida (USF) and required the program to be physically located on the campus of the University of South Florida Polytechnic (USF Polytechnic).⁵⁴ On January 29, 2009, BOG approved the program at USF.

The bill repeals obsolete language authorizing a Doctor of Medicine degree program at FAU and a Doctor of Pharmacy degree program at USF. Both programs have been approved by BOG.

Johnnie B. Byrd, S., Alzheimer's Center and Research Institute

The Legislature created the Florida Alzheimer's Center and Research Institute in 2002,⁵⁵ and subsequently renamed it the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute (Byrd Institute) in 2004.⁵⁶ In 2009, the Legislature placed the Byrd Institute at the USF.⁵⁷ The board of directors for the Johnnie B. Byrd, Sr. Alzheimer's Center and Research Institute was created to oversee the establishment of the Institute.⁵⁸

The bill repeals s. 1004.445(2), F.S., establishing the board of directors for the Johnnie Byrd Sr., Alzheimer's Center and Research Institute. Once the Byrd Institute was placed at USF there was no longer a need for a separate governing board.

Training School Consolidation Pilot Project

In 1999, the Legislature created the Training School Consolidation Pilot Projects.⁵⁹ The project established two "pilot training centers" to provide criminal justice training in Leon and St. Johns Counties: The Pat Thomas Center at Tallahassee Community College (now called the Pat Thomas Law Enforcement Academy) and The Criminal Justice Academy at St Johns River State College (now called the Criminal Justice Program). In 1999 the programs were transferred to FCS institutions. Accordingly, the programs are no longer pilot projects.

The bill repeals s. 1004.75, F.S., relating to the Training School Consolidation Pilot Projects.

Adults with Disabilities Workforce Education Pilot Program

Section 1004.935, F.S.,⁶⁰ established a 2-year pilot program in Hardee, Desoto, Manatee, and Sarasota counties. Ad adult with a disability, who was 22 years of age without a standard high school diploma or a special high school diploma, had the option of receiving a scholarship for instruction at private school as well as receiving support, as needed, for employment retention. An adult participating in the pilot program could participate in the program until graduating from high school or reaching the age of 30 years, whichever occurred first.

The bill amends s. 1004.935, F.S., to extend the pilot program through June 30, 2016, and to increase the age-out provision from 30 years to 40 years of age.

⁵³ Section 1004.3825, F.S.

⁵⁴ Section 6, ch. 2010-155, L.O.F.

⁵⁵ Section 191, ch. 2002-387, L.O.F.

⁵⁶ Section 5, ch. 2004-002, L.O.F.

⁵⁷ Section 6, ch. 2009-060, L.O.F.

⁵⁸ Section 1004.445(2), F.S.

⁵⁹ Section 1004.75, F.S. (Formerly s. 240.384, F.S.).

⁶⁰ Section 12, ch. 2012-134, L.O.F., created s. 1004.935, F.S.

Statewide School Safety Hotline

In 1995, the Legislature created a statewide crime-watch program in the public schools for the purpose of reducing student actions that were in violation of the code of student conduct.⁶¹ In 1996, the Legislature authorized DOE to contract with the Florida Sheriffs Association to establish and operate a statewide toll-free school safety hotline for the purpose of reporting incidents that affect the safety and well-being of the school's population.⁶² If a toll-free school safety hotline is established by contract with the Florida Sheriffs Association, the Florida Sheriffs Association must produce a quarterly report that evaluates the incidents that have been reported on the hotline.⁶³

The bill repeals s. 1006.141, F.S., relating to the Statewide School Safety Hotline.

Dating Violence and Abuse Prohibited

Section 1006.148(2), F.S., requires that each district school board adopt and implement a dating violence and abuse policy to be integrated into each school district's discipline policies.⁶⁴ DOE was required to develop by January 1, 2011, a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policies. On October 22, 2010, DOE provided district school boards with the model policy and training requirements.⁶⁵

The bill repeals s. 1006.148(2), F.S., requiring DOE to develop a dating violence and abuse model policy because DOE has already developed the model policy.

Use of Instructional Materials Allocation

Section 1006.40(2), F.S., requires each district school board to purchase current instructional materials to provide each student with a major tool of instruction in core courses. Such purchases must be made within the first 3 years after the effective date of the adoption cycle. For the 2012 - 2013 mathematics adoption, a district using comprehensive mathematics instructional materials adopted in 2009 - 2010 was to be deemed in compliance with the law if the district had provided each student with such additional state-adopted materials as was necessary to align the mathematics instructional materials to the new state standards.⁶⁶

The bill removes the 2012 - 2013 mathematics adoption language option. The bill amends s. 1006.40(2), F.S., specifying that a school board individually or as part of a consortium of school boards can purchase instructional materials if an instructional materials program has been implemented pursuant to s. 1006.283, F.S.⁶⁷

Student with Disabilities

Section 1007.02, F.S., defines the term "student with a disability," and establishes a popular name for the section, i.e., Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act. However, the section refers to itself as an "Act" rather than a section. A law should not refer to "an Act" but should specify the sections of law to which the section of law is applicable. The popular name and the acronym are not used anywhere else in law.

⁶¹ Section 2, ch. 95-164, L.O.F.

⁶² Section 1006.141, F.S.; s. 5, ch. 96-276, L.O.F. (Formerly s. 230.23185, F.S.).

⁶³ Section 1006.141, F.S.

⁶⁴ Section 1006.148(1), F.S.

⁶⁵ Florida Department of Education, Office of Safe Schools, Teen Dating Violence Prevention, <http://www.fldoe.org/safeschools/TeenDatingViolence.asp> (last visited Jan. 23, 2014).

⁶⁶ Section 1006.40(2), F.S.

⁶⁷ Section 1006.283, F.S., establishes the district school board instructional materials review process.

The bill amends s. 1007.02, F.S., by removing the popular name and acronym. In addition, s. 1007.02, F.S., is amended to state that the definition of “student with a disability” is applicable to all of chapter 1007, F.S.

Public School Improvement

Section 1008.33(5) and (7), F.S., requires a school to implement one of the turnaround options listed in this section if the school earns a grade of “F” within 2 years of raising its grade from a grade of “F” or that earns a grade of “F” within 2 years after exiting the lowest-performing category under s. 3, chapter 2009 -144, L.O.F. A school classified in the lowest performing category before July 2012 is not required to continue implementing any turnaround options unless the school earns a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year. A school earning a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year may not restart the number of years it has been considered low performing.

The bill repeals s. 1008.33(5) and (7), F.S., removing the requirement to implement certain turnaround options because the time period for those options has expired.

Supplemental Educational Services

The federal requirement for Florida to provide supplemental educational services (SES) as originally prescribed by the No Child Left Behind Act of 2001 (NCLB) was waived with the approval of Florida’s ESEA Flexibility Request on February 9, 2012.⁶⁸ Florida’s ESEA Flexibility Request was subsequently amended on July 27, 2012, to allow Florida to continue providing SES for the 2012 - 2013 school year.⁶⁹

All SES providers had to be approved by the DOE before services could be provided in the district. Eligible candidates included nonprofit and for-profit entities, as well as school districts. Approved providers were allowed to:

- Set their fee for service within a specified range (\$5-\$70 per hour per student).
- Tutor up to 10 students simultaneously using the same instructor which is the equivalent of \$700 per hour for 10 students and 1 instructor.
- Self-report, to DOE, student learning gains, student attendance and completion data, and satisfaction surveys completed by parents, district administrators, and school principals. DOE used this information to apply a service designation to each provider of excellent, satisfactory, or unsatisfactory.⁷⁰

During the 2011 – 2012 school year, SES providers delivered an average of 19 hours of tutoring services per student at an average cost of \$1,050 per student.⁷¹ However, a national study determined that SES programs delivering less than 40 hours of tutoring per year were unlikely to demonstrate statistically significant improvement in student growth math and reading gains.⁷²

The bill repeals s. 1008.331, F.S., removing the SES which is no longer required by federal law and not funded by this state. A school district on its own authority and through its own funding sources can otherwise provide supplemental educational services.

⁶⁸ See Letter of Approval for Florida’s ESEA Waiver Request, (2012), available at <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>.

⁶⁹ See Letter of Approval for Florida’s ESEA Waiver Exemption Request, (2012), available at <https://www.ed.gov/policy/eseaflex/secretary-letters/fl-amendment.pdf>.

⁷⁰ Rule 6A-1.039, F.A.C.

⁷¹ Email, Florida Department of Education, Bureau of School Improvement (April 3, 2012).

⁷² American Enterprise Institute for Public Policy Research, Center for American Progress, *Tightening up Title I: The implementation and effectiveness of supplemental education services: A review and recommendations for program improvement*, (2012), available at http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services_17150915643.pdf.

Best Financial Management Practices for Florida School Districts

Section 1008.35, F.S., requires the commissioner to adopt best financial management practices to be implemented by school districts. The practices must be developed for, but not limited to, efficient use of resources, compliance with general acceptable accounting principles, performance accountability, and cost control. The Office of Program Policy Analysis and Government Accountability (OPPAGA) and AG are tasked with developing a system by which to review school district implementation of the best practices.⁷³ Furthermore, OPPAGA is responsible for conducting the reviews, subject to appropriation by the Legislature. The commissioner adopted the best financial management practices on September 4, 1997.⁷⁴ The entire best practices review was contingent upon funding. The Legislature has not funded the program since 2002.⁷⁵

The bill repeals s. 1008.35, F.S., which removes the requirement that the commissioner adopt best financial management practices.

Workforce Education Postsecondary Student Fees

Section 1009.22(3)(f), F.S., establishes a maximum increase in resident tuition for any school district or Florida College System institution during the 2007 - 2008 fiscal year of 5 percent over the tuition charged during the 2006 - 2007 fiscal year.

The bill repeals s. 1009.22(3)(f), F.S., regarding the obsolete 2007 - 2008 resident tuition increase language.

Seminole and Miccosukee Indian Scholarships

In 1963, the Legislature enacted the Seminole and Miccosukee Indian Scholarship program.⁷⁶ The purpose of the Seminole and Miccosukee Indian Scholarship program is to encourage and assist students from the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida to pursue postsecondary education. The program is administered by DOE and funding for the program must be provided in the General Appropriations Act (GAA).⁷⁷ The Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida determines the amount of the scholarship for their respective applicants within the amount of funds appropriated.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁷⁸ Funding for the Seminole and Miccosukee Indian Scholarship program was last appropriated in 2001.⁷⁹

The bill repeals s. 1009.56, F.S., regarding the Seminole and Miccosukee Indian Scholarship programs.

Virgil Hawkins Fellows Assistance Program

In 1988, the Legislature enacted the Virgil Hawkins Fellows Assistance Program.⁸⁰ The Virgil Hawkins Fellows Assistance Program provides financial assistance for minority students to study law at the

⁷³ Section 1008.35(1), F.S.

⁷⁴ Office of Program Policy Analysis and Government Accountability, Report No. 97-08, *available at* <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/9708rpt.pdf>.

⁷⁵ E-mail, Florida House of Representative, Education Appropriations Subcommittee (July 25, 2013).

⁷⁶ Sections 1-6, ch. 63-404, L.O.F.

⁷⁷ Section 1009.56(1), F.S.

⁷⁸ Section 1009.96, F.S.

⁷⁹ Specific Appropriation 93, s. 2, ch. 2001-253, L.O.F.

⁸⁰ Section 1, ch. 88-099, L.O.F.

Florida State University, the University of Florida, the Florida Agricultural and Mechanical University, and the Florida International University.⁸¹

Each student that remains in good standing as approved by the law school and pursuant to guidelines of the state board is entitled to receive an award for each academic term.⁸² Funding for the program must be as provided in the GAA.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁸³ The Virgil Hawkins Fellows Assistance program was last appropriated funds in 2003.⁸⁴

The bill repeals s. 1009.69, F.S., regarding to the Virgil Hawkins Fellows Assistance Program.

Florida Higher Education Loan Authority Act

Part V of chapter 1009 provides a short title: "Florida Higher Education Loan Authority Act." The Act, created in 1982⁸⁵ authorizes, by county ordinance or resolution, the creation of a " _____ County Education Loan Authority." The Florida Higher Education Loan Authority Act was created to make loans to participating higher education institutions for the purpose of providing student loans. If a county ordinance/resolution is established, the law requires the loan authority to report annually to the commissioner. The only county that adopted such an ordinance (St. Johns) repealed its ordinance in 1995. The commissioner has not received any annual reports.⁸⁶

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁸⁷ The program has been inactive since 1995.⁸⁸

The bill repeals Part V of chapter 1009, relating to the authority to create an Education Loan Authority.

Funds for Operation of Schools

Section 1011.62(13), provides for the total annual state allocation to each district for current operation for the FEFP. However, if it is determined that any school district received an under allocation or over allocation for any prior year because of an arithmetical error, assessment roll change required by final judicial decision, FTE student membership error, or any allocation error revealed in an audit report, the allocation to the district must be appropriately adjust. Beginning with audits for the 2001-2002 fiscal year, if the adjustment is the result of an audit finding in which group 2 FTE are reclassified to the basic program and the district weighted FTE are over the weighted enrollment ceiling for group 2 programs, the adjustment must not result in a gain of state funds to the district.

Current FEFP formula prevents any student classified as a group 2 FTE in excess of the number of group 2 students allowed, formulaically/automatically funds the excess as a basic student. Therefore, it is no longer necessary to maintain the provision related to district audits.

The bill amends s. 1011.62(13), F.S., removing an obsolete provision related to district audits.

⁸¹ Section 1009.69(1), F.S.

⁸² Section 1009.69(2), F.S.

⁸³ Section 1009.96, F.S.

⁸⁴ Specific Appropriation 134 and 135, s. 2, ch. 2003-397, L.O.F.

⁸⁵ Sections 1-28, ch. 82-241, L.O.F. (Formerly chapter 240).

⁸⁶ E-mail, Florida Department of Education, Governmental Relations (Sept. 10, 2013).

⁸⁷ Section 1009.96, F.S.

⁸⁸ E-mail, Florida Department of Education, Governmental Relations (Sept. 10, 2013).

School District Discretionary Tax

In 2009, the Legislature authorized district school boards to levy an additional 0.25 mills for critical capital outlay needs. Alternatively, the additional 0.25 mills may be levied for critical operating needs based on a supermajority vote of the district school board and passage of a voter approved referendum in the 2010 general election.⁸⁹

Legislation enacted in 2010, provided that in order for school districts to continue levying the additional 0.25 mills after the 2010 - 2011 fiscal year, the voters must have approved the referendum at the 2010 general election or at a subsequent election held at any time. No more than one such election may be held during any 12-month period. Any millage so authorized could only be levied for a period not to exceed 2 years or until a change is made pursuant to another millage election, whichever occurs earlier.⁹⁰

In 2011, the Legislature amended the statute so that the authority for district school boards to levy the 0.25 mills would expire on June 30, 2011.⁹¹

The bill repeals s. 1011.71(3)(b) and (c), F.S., removing the authority for district school boards to levy the additional 0.25 mills.

Teacher Recruitment and Retention

Section 1012.05(2), F.S., requires DOE to develop, in consultation with school district staff, a long range plan for educator recruitment and retention and develop and implement a First Response Center and Teacher Lifeline Network to provide online support to beginning teachers and those that need assistance. The commissioner must take steps that provide flexibility and consistency in meeting the highly qualified teacher criteria defined in the NCLB Act of 2001 through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).⁹²

The bill amends s. 1012.05, F.S., by removing the requirement for DOE to develop a long-range plan for educator recruitment and retention. Many districts are not in need of teachers. Those districts needing teachers are better suited to develop recruitment and retention plans applicable to local needs.

The bill eliminates reference to the Teacher Lifeline Network and the First Response Center because the center and network do not exist. The bill removes reference to HOUSSE which no longer exists.

Professional Service Contract

Section 1012.33(9), F.S., provides that, for the 2009 - 2010 and 2010 - 2011 fiscal years, district school boards should not enter into a new professional services contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds. The restriction on district school boards does not extend past the 2010 – 2011 fiscal year.

The bill repeals s. 1012.33(9), F.S., relating to obsolete language affecting fiscal years 2009 - 2010 and 2010 - 2011.

Speech Language Services

⁸⁹ Section 33, ch. 2009-059, L.O.F., *codified at* s. 1011.71(3)(b), F.S.

⁹⁰ Section 30, ch. 2010-154, L.O.F., amending s. 1011.71(3)(b), F.S.

⁹¹ Section 36, ch. 2011-055, L.O.F., amending s. 1011.71(3)(b), F.S.

⁹² Section 1012.05(6), F.S.

Section 1012.44, F.S., requires the state board to review rules it adopted regarding speech-language services to school districts by October 1, 2003. The state board has reviewed the rules for speech-language services.

The bill amends s. 1012.44, F.S., removing the outdated language requiring the state board to review rules for speech-language services.

Address of Record

Section 1012.561, F.S., requires by January 1, 2005, that each educator and applicant for certification have on file with DOE a current mailing address. The January 1, 2005, date requirement has passed.

The bill amends s. 1012.561, F.S., removing the outdated reporting requirement.

Savings Clause

Section 1012.595, F.S., created in 1986,⁹³ requires each applicant who was issued a certificate by DOE prior to June 25, 1986, to be entitled to hold such certificate. The certificates are renewed in accordance with the provisions of chapter 86-156 L.O.F.⁹⁴

The bill amends s. 1012.595, F.S., removing the outdated language regarding applicants issued a certificate by DOE prior to June 25, 1986.

Remuneration for State University and Florida College System Presidents

In 2010, s. 1012.885(2), F.S., was created to state that FCS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.⁹⁵

In 2003, s. 1012.975 (2), F.S., was created to state that SUS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.⁹⁶

Both sections of law continue to provide conflicting restrictions on the annual remuneration for SUS presidents and FCS presidents.

The bill removes ss. 1012.885(2), and 1012.975(2), F.S., relating to the outdated \$225,000 remuneration provisions.

Continuing Education Training

⁹³ Formerly s. 231.245 F.S.,

⁹⁴ Various sections of law relating to certification of educational personnel (ss. 231.15, 231.17, and 231.24, F.S.) were set for Sunset repeal on October 1, 1985, unless reviewed and reenacted by the Legislature. The Legislature passed CS/CS/HB 1357, which made various substantive and technical changes in the process used to grant initial and subsequent certificates. The Governor vetoed CS/CS/HB 1357 because it was not stringent enough. Afterwards, DOE readopted the certification rules but, instead of referencing the repealed sections of law as authority for the rule, referenced other sections of law. The Joint Administrative Procedures Committee raised concerns about the law referenced in the rules. DOE worked with the Legislature to resolve the issues and HB 1183 became law effective June 25, 1986.

⁹⁵ Section 39, ch. 2011-063, L.O.F., s. 38, ch. 2012-134, L.O.F., and s. 21, ch. 2013-405, L.O.F.

⁹⁶ Section 41, ch. 2011-063, L.O.F., s. 40, ch. 2012-134, L.O.F., and s. 23, ch. 2013-045, L.O.F.

Section 1012.98(12), F.S., requires teachers in grades 1 - 12 to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

The bill amends s. 1012.98(12), F.S., to include kindergarten teacher participation in continuing education training provided by the Department of Children and Families.

Substance of Contract

Section 1013.47, F.S., requires: "If 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1) laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act."

The bill amends s. 1013.47, F.S., to remove the above quoted language. Any federal (grant) funds appropriated for construction would include the necessary federal accountability requirements in accordance with the Davis-Bacon Act. There is no trust fund under 31 U.S.C. s. 1243(a)(1).

Toxic Substance in Construction

Section 1013.49, F.S., requires a contractor intending to use toxic substances enumerated in the Florida Substance List in the construction, repair, or maintenance of educational facilities to notify the district school superintendent or public postsecondary institution president in writing at least 3 working days prior to using the substance. Toxic substance usage is already governed by the Florida Building Code and the State Requirements for Educational Facilities.⁹⁷

The bill repeals s. 1013.49, F.S., removing duplicative requirements related to toxic substance.

Land Acquisition and Facilities Advisory Board

Section 1013.512, F.S., requires OPPAGA and the Auditor General to certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and Governor when significant deficiencies exist in a school district's land acquisition and facilities operation processes. Upon receipt of certification, an advisory board must be appointed to help the district improve its deficient practices and report to the commissioner a district's progress and corrective actions. "Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded." Only one such board was ever appointed: The Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board. This board was dissolved in 2004.⁹⁸

The bill repeals s. 1013.512, F.S., removing the authority to authorize a Land Acquisition and Facilities Advisory Board.

Emergency Rule Adoption

⁹⁷ E-mail, Florida Department of Education, Governmental Relations (Sept. 12, 2013).

⁹⁸ Office of Program Policy Analysis and Government Accountability, *Special Review - Land Acquisition Practices of the Miami-Dade County School Board*, Report No. 01-26 (May 2001), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0126rpt.pdf>.

Section 20 of chapter 2010-24, L.O.F., authorizes the Department of Revenue (DOR) to adopt emergency rules for s. 1012.796, F.S.⁹⁹ DOR states that the authority to adopt emergency rules is no longer needed.¹⁰⁰

The bill repeals Section 20 of chapter 2010-24, L.O.F., removing outdated DOR emergency rulemaking authority.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

A. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

B. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

C. FISCAL COMMENTS:

None.

⁹⁹ Section 1012.796, F. S. relating to complaints against teachers and administrators; procedure; penalties.

¹⁰⁰ E-mail, Florida House of Representatives, Finance and Tax Subcommittee (Oct. 18, 2013).