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# **Education Appropriations Subcommittee**

## **Meeting Packet**

**January 28, 2016  
12:30 p.m. – 3:00 p.m.  
Morris Hall**



# The Florida House of Representatives

## APPROPRIATION COMMITTEE

Education Appropriations Subcommittee

Steve Crisafulli  
Speaker

Erik Fresen  
Chair

### MEETING AGENDA

Morris Hall

January 28, 2016

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following bill(s):
  - CS/HB 11 - Missing Persons with Special Needs by Criminal Justice Subcommittee and Rep. Porter
  - HB 287 - Principal Autonomy Pilot Program Initiative by K-12 Subcommittee and Rep. Diaz
  - CS/HB 719 - Education Personnel by K-12 Subcommittee and Rep. Spano
  - HB 837 - John M. McKay Scholarships for Students with Disabilities Program by Reps. Bileca and Cortes, B.
  - HB 1171 - Interstate Compact on Education Opportunity for Military Children by Rep. Perry
  - HB 7043 - Education by Education Committee and Rep. Fresen
- IV.** Consideration of the following proposed committee substitute(s):
  - PCS for HB 835 - Education by Rep. Eisnaugle
- V.** Chair's Budget Proposal for FY 2016-2017
- VI.** Closing Remarks
- VII.** Meeting Adjourned



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 11 Missing Persons with Special Needs  
**SPONSOR(S):** Criminal Justice Subcommittee; Porter and others  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 230

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Cox	White
2) Education Appropriations Subcommittee		deNagy <i>SN</i>	Heflin <i>(Act)</i>
3) Judiciary Committee			

### SUMMARY ANALYSIS

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose them to dangerous situations. Individuals with Alzheimer's disease or autism are two populations at higher risk to elope.

There are a number of personal devices on the market which aid in search and rescue of individuals who elope.

The bill creates the "Project Leo" pilot program in Alachua, Baker, Columbia, Hamilton, and Suwanee Counties to provide personal devices to aid in search-and-rescue efforts for persons with special needs in cases of elopement.

The project will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida (CARD UF). The bill directs CARD UF to select participants on a first-come, first-serve basis to receive a personal device to aid in search-and-rescue efforts. Participants will be selected based on criteria developed by CARD UF, which at a minimum must consider the individual's risk of elopement. The number of participants shall be determined based on available funding within the center's existing resources. The respective county sheriff's offices will distribute these devices to the project participants.

The bill requires CARD UF to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The final report must include recommendations for modifications or continued implementation of the program.

The bill provides that the act is subject to available funding within the center's existing resources and expires on June 30, 2018. However, the bill also provides an appropriation of \$100,000 in general revenue funds for the 2016-2017 Fiscal Year to CARD UF to implement the act.

The bill is effective on July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Elopement of Individuals with Special Needs**

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose a person to dangerous situations.<sup>1</sup> Wandering and elopement are concerns in particular with children and adults with autism and seniors with Alzheimer's.<sup>2</sup>

##### *Elopement and Wandering of Individuals with Autism*

There are various reasons someone with autism may wander; more often than not, he or she will wander to something of interest (especially bodies of water) or away from something that is bothersome (such as uncomfortable noise or bright lights).<sup>3</sup> Children and adults with autism wander from all types of settings, such as educational, therapeutic, residential, camp programs, outdoor, public places, and home settings.<sup>4</sup>

Approximately half of children with autism have a tendency to wander or elope.<sup>5</sup> Families report that about half of the children who have a tendency to wander have gone missing long enough to cause serious concern. A substantial portion of those children who wander are at risk for bodily harm.<sup>6</sup> Of those children who went missing, 24% were in danger of drowning and 65% were in danger of a traffic injury.<sup>7</sup>

##### *Elopement and Wandering of Individuals with Alzheimer's Disease*

Wandering and elopement can also be dangerous for individuals with Alzheimer's disease and other forms of dementia, as the individual may become disoriented, even in familiar places and may not remember his or her name or address to assist rescuers. An individual with Alzheimer's disease who wanders or elopes is most often looking for someone or something familiar, escaping a source of stress or anxiety, or may be reliving the past.<sup>8</sup>

Statistics indicate that in the U.S., more than 34,000 individuals with Alzheimer's disease wander out of their homes or care facilities each year.<sup>9</sup> Six in ten people with some form of dementia will wander or elope;<sup>10</sup> additionally, it is estimated that 11-24% of institutionalized dementia patients wander.<sup>11</sup>

<sup>1</sup> Russell Lang, et al., *Treatment of elopement in individuals with developmental disabilities: A systematic review*, RESEARCH IN DEVELOPMENTAL DISABILITIES 30 (2009) 670-681, [http://scholar.google.com/scholar\\_url?url=http://www.researchgate.net/profile/Christina\\_Fragale/publication/23716164\\_Treatment\\_of\\_elopement\\_in\\_individuals\\_with\\_developmental\\_disabilities\\_a\\_systematic\\_review/links/53e3f99e0cf21cc29fc75814.pdf&hl=en&sa=X&scisq=AAGBfm33xLIMHakTS87tq\\_NEgw\\_oFixP4w&nossl=1&oi=scholar](http://scholar.google.com/scholar_url?url=http://www.researchgate.net/profile/Christina_Fragale/publication/23716164_Treatment_of_elopement_in_individuals_with_developmental_disabilities_a_systematic_review/links/53e3f99e0cf21cc29fc75814.pdf&hl=en&sa=X&scisq=AAGBfm33xLIMHakTS87tq_NEgw_oFixP4w&nossl=1&oi=scholar) (last visited October 15, 2015).

<sup>2</sup> *Autism & Wandering*, AWAARE COLLABORATION, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited October 15, 2015).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Michelle Diament, *Autism Wandering Poses "Critical Safety Issue," Survey Suggests*, DISABILITY SCOOP, (April 21, 2011), <http://www.disabilityscoop.com/2011/04/21/autism-wandering-survey/12953/> (last visited October 15, 2015).

<sup>6</sup> Connie Anderston, et al., *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders*, PEDIATRICS, (October 8, 2012), available at <http://pediatrics.aappublications.org/content/early/2012/10/02/peds.2012-0762.full.pdf+html> (last visited October 15, 2015).

<sup>7</sup> *Id.*

<sup>8</sup> *Alzheimer's: Understand and control wandering*, MAYO CLINIC, <http://www.mayoclinic.org/healthy-living/caregivers/in-depth/alzheimers/art-20046222> (last visited October 15, 2015).

<sup>9</sup> *Wandering and Elopement Resources*, NATIONAL COUNCIL OF CERTIFIED DEMENTIA PRACTITIONERS, <http://www.nccdp.org/wandering.htm> (last visited October 15, 2015).

<sup>10</sup> *Wandering and Getting Lost*, ALZHEIMER'S ASSOCIATION, <http://www.alz.org/care/alzheimers-dementia-wandering.asp> (last visited October 15, 2015).

<sup>11</sup> *Supra*, note 9.

### **Personal Devices for Individuals with Special Needs**

Anti-wandering and global-positioning system (GPS)<sup>12</sup> tracking devices can be worn as a bracelet, attached to an individual's shoe or belt loop, or sewn into clothing. If an individual goes missing, a caregiver can utilize products and services from the monitoring company for the device to pinpoint the wearer's location. There are a number of anti-wandering and GPS tracking devices on the market that are specially designed to aid in search-and-rescue efforts for individuals with special needs who are prone to wander. Two examples are the Protect and Locate (PAL) tracking system through Project Lifesaver and the Amber Alert GPS.

The PAL is a tracking device that is worn as a watch by the individual at risk of wandering and has a companion portable receiver that notifies the caregiver of a wandering event. Through the use of cell ID location and GPS technologies, it provides the location of a wearer accurate to nine feet.<sup>13</sup> If an individual wearing a PAL device wanders outside of a set perimeter, the caregiver's receiver will receive an alert and the caregiver will receive email and text alerts with the date and location of the wandering event.<sup>14</sup> Additionally, a caregiver can press the "find" button on his or her receiver to have the location of the individual and the address displayed on the portable receiver. If the individual wearing the PAL watch/transmitter is lost, he or she can push the panic button on the PAL watch to have the current address shown on the caregiver's portable receiver.<sup>15</sup> The PAL tracking system costs \$249.99 per unit and requires a monitoring/service plan of \$29.95 per month.<sup>16</sup>

The Amber Alert GPS is a small disk that can be put in an individual's purse or backpack or, with the purchase of an accessory, can be attached to the individual. The Amber Alert GPS syncs with an online tracking portal and mobile application for iPhone, Blackberry, and Droid cellular phones to provide the real-time location of the wearer.<sup>17</sup> It allows the caregiver to designate up to 20 "safe zones" and receive an alert each time a wearer leaves one of the designated safe zones.<sup>18</sup> It also has a two-way voice feature to allow the caregiver and wearer to talk to each other through the device and an SOS button that the wearer can push in the event of an emergency to notify the caregiver and up to ten additional individuals.<sup>19</sup> Amber Alert GPS costs \$179 per unit and requires a monitoring/service plan of \$10-42 per month.<sup>20</sup>

### **Center for Autism and Related Disabilities**

The Center for Autism and Related Disabilities (CARD) works with families, caregivers, and professionals to optimize the potential of people with autism and related disabilities.<sup>21</sup> CARD serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (deaf-blindness), or a vision or hearing loss with another disabling condition.<sup>22</sup>

There are seven non-residential CARD centers across the state. The Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida.<sup>23</sup>

<sup>12</sup> GPS is a network of computers and earth-orbiting satellites that allows an earth-bound receiver to determine its precise location. BLACK'S LAW DICTIONARY (10th ed. 2014).

<sup>13</sup> PAL Info, PROJECT LIFESAVER, <http://www.projectlifesaver.org/Pal-info> (last visited October 15, 2015).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> 10 Resources And Devices For Wandering Children With Autism, FRIENDSHIP CIRCLE BLOG, (June 1, 2011; updated 2014) <http://www.friendshipcircle.org/blog/2011/06/01/10-resources-for-wandering-children-with-autism> (last visited October 15, 2015).

<sup>17</sup> Amber Alert GPS Smart Locator, AMBER ALERT GPS, <https://www.amberalertgps.com/products> (last visited October 15, 2015).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Supra*, note 16.

<sup>21</sup> CENTER FOR AUTISM AND RELATED DISABILITIES UNIVERSITY OF FLORIDA, *About CARD FAQ*, <http://card.ufl.edu/about-card/faq> (last visited October 15, 2015).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union.<sup>24</sup>

#### Effect of the Bill

The bill creates the "Project Leo" pilot program in Alachua, Baker, Columbia, Hamilton, and Suwannee Counties to provide personal devices to aid search-and-rescue efforts for persons with special needs in case of elopement. The bill does not define the term "special needs."

The project will be developed and administered by CARD UF. The bill directs CARD UF to select participants based on criteria it develops, which must include, at a minimum, the individual's risk of elopement. The participants will be selected on a first-come, first-served basis. The number of participants must be determined based on available funding within the center's existing resources.

Participation in the project is voluntary. Participants will be provided a personal device to aid in search-and-rescue efforts which is attachable to clothing or otherwise wearable. The respective county sheriff's offices will distribute these devices to the project participants. CARD UF will fund any cost associated with the monitoring of the devices.

The bill requires CARD UF to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Both reports must include:

- The criteria used to select the participants;
- The number of participants;
- The age of the participants;
- The nature of the participants' special needs;
- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

Additionally, the final report must include recommendations for modifications or continued implementation of the program.

The bill provides that the "Project Leo" is subject to available funding within CARD UF's existing resources and expires on June 30, 2018. However, the bill also provides that \$100,000 from the General Revenue Fund for Fiscal Year 2016-2017 is appropriated to CARD UF to implement the act.

#### B. SECTION DIRECTORY:

Section 1. Creates s. 937.041, F.S., relating to missing persons with special needs pilot program.

Section 2. Provides an appropriation.

Section 3. Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The bill does not appear to have any impact on state revenues.

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<sup>24</sup> CENTER FOR AUTISM AND RELATED DISABILITIES UNIVERSITY OF FLORIDA, *About CARD*, <http://card.ufl.edu/about-card/> (last visited October 15, 2015).

2. Expenditures:

The bill is subject to available funding within the existing resources of the Center for Autism and Related Disabilities at the University of Florida (CARD UF).

The bill also provides an appropriation of \$100,000 in general revenue funds for the 2016-2017 fiscal year to CARD UF to implement the act.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties and municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 1. of the bill provides that "Project Leo" must operate to the extent of funding within CARD UF's existing resources, but Section 2. provides an appropriation of \$100,000 in general revenue funds for the 2016-2017 fiscal year to implement the act.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 17, 2015, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment adds Alachua County to the list of counties served by the pilot project.

This bill analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

1                   A bill to be entitled  
 2           An act relating to missing persons with special needs;  
 3           creating s. 937.041, F.S.; creating a pilot project in  
 4           specified counties to provide personal devices to aid  
 5           search-and-rescue efforts for persons with special  
 6           needs; providing for administration of the project;  
 7           requiring reports; providing for expiration; providing  
 8           an appropriation; providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Section 937.041, Florida Statutes, is created  
 13 to read:

14           937.041 Missing persons with special needs pilot project.-

15           (1) There is created a pilot project in Alachua, Baker,  
 16 Columbia, Hamilton, and Suwannee Counties to be known as  
 17 "Project Leo" to provide personal devices to aid search-and-  
 18 rescue efforts for persons with special needs in the case of  
 19 elopement.

20           (2) Participants for the pilot project shall be selected  
 21 based on criteria developed by the Center for Autism and Related  
 22 Disabilities at the University of Florida. Criteria for  
 23 participation shall include, at a minimum, the person's risk of  
 24 elopement. The qualifying participants shall be selected on a  
 25 first-come, first-served basis by the center to the extent of  
 26 available funding within the center's existing resources. The

27 project shall be voluntary and free to participants.

28 (3) Under the pilot project, personal devices to aid  
 29 search-and-rescue efforts that are attachable to clothing or  
 30 otherwise worn shall be provided by the center to the sheriff's  
 31 offices of the participating counties. The devices shall be  
 32 distributed to project participants by the county sheriff's  
 33 offices in conjunction with the center. The center shall fund  
 34 any costs associated with monitoring the devices.

35 (4) The center shall submit a preliminary report by  
 36 December 1, 2016, and a final report by December 15, 2017, to  
 37 the Governor, the President of the Senate, and the Speaker of  
 38 the House of Representatives describing the implementation and  
 39 operation of the pilot project. At a minimum, the report shall  
 40 include the criteria used to select participants, the number of  
 41 participants, the age of the participants, the nature of the  
 42 participants' special needs, the number of participants who  
 43 elope, the amount of time taken to rescue such participants  
 44 following elopement, and the outcome of any rescue attempts. The  
 45 final report shall also provide recommendations for modification  
 46 or continued implementation of the project.

47 (5) The project shall operate to the extent of available  
 48 funding within the center's existing resources.

49 (6) This section expires June 30, 2018.

50 Section 2. For the 2016-2017 fiscal year, the sum of  
 51 \$100,000 is appropriated from the General Revenue Fund to the  
 52 Center for Autism and Related Disabilities at the University of

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2016

53 | Florida for the purpose of implementing this act.

54 |       Section 3. This act shall take effect July 1, 2016.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee

3 Representative Porter offered the following:

4  
5 **Amendment**

6 Remove lines 50-53 and insert:

7 Section 2. For the 2016-2017 fiscal year, the sum of  
8 \$100,000 in nonrecurring general revenue funds is appropriated  
9 to the Center for Autism and Related Disabilities at the  
10 University of Florida for the purchase of personal devices to  
11 aid search and rescue efforts.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 287 Principal Autonomy Pilot Program Initiative  
**SPONSOR(S):** K-12 Subcommittee; Diaz, Jr. and Sprowls  
**TIED BILLS:** IDEN./SIM. BILLS: SB 434

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N, As CS	Cherry	Fudge
2) Education Appropriations Subcommittee		Dobson <i>MD</i>	Heflin 
3) Education Committee			

### SUMMARY ANALYSIS

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education to provide the principals of participating schools in participating school districts with increased autonomy and authority regarding allocation of resources and staffing. School districts selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education rules, with exceptions. Among other exemptions, the class size compliance calculation for participating schools is the school-level average, rather than the individual classroom level.

School district participation in PAPPI is voluntary. School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. Among other things, the proposal must identify three middle or high schools that received at least two school grades of "D" or "F" during the previous three school years, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operational efficiency. The state board may select up to three school districts for participation in PAPPI. The initial term of the program is three years.

The bill grants the principals of participating schools greater authority regarding staffing decisions, allocation of financial resources, and budgeting. Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel. Before participation in the program may begin, such principals must complete professional development designed to enable them to implement increased autonomy. Participating school districts must guarantee participating schools at least 90 percent of the funds generated in the Florida Education Finance Program (FEFP) by that school. The current minimum guarantee is 80 percent of such funds.

Participating school districts must annually report measures taken to implement the program and results achieved to the state board. The Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives upon expiration of the initial three year term.

The fiscal impact of the bill is indeterminate.

The bill provides an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Research indicates that school leadership is "second only to classroom instruction among all school-related factors that contribute to what students learn at school."<sup>1</sup> Research also indicates that effective school leadership plays a critical role in the recruitment and retention of quality teachers.<sup>2</sup> According to researchers, "principals can be more effective when there is a district-wide culture of joint responsibility for achieving shared student outcome goals." This includes giving principals more autonomy to implement instructional reforms, budget and allocate resources, and hire a quality instructional team tailored to the individual needs of his or her school.<sup>3</sup>

##### School Principals

"School administrators" include school principals, school directors, career center directors, and assistant principals.<sup>4</sup> Among other things, school principals are responsible for:

- Fully supporting the authority of classroom teachers and school bus drivers regarding student discipline and conduct.
- Providing instructional leadership in the development, revision, and implementation of a school improvement plan.
- Accurate and timely compliance with statutory reporting requirements.
- The management and care of instructional materials.
- Facilitating parental involvement in their child's education and providing information to parents regarding their child's educational progress and available educational choices.<sup>5</sup>

When filling instructional positions<sup>6</sup> at the school level, the district school superintendent must consider nominations received from school principals of the respective schools in the school district. The superintendent then must make recommendations to the district school board regarding each position to be filled and the persons to fill such positions. The school board has discretion to approve or reject any of the superintendent's recommendations. Before transferring a classroom teacher from one school to another, the superintendent must consult with the principal of the receiving school and allow the principal to review the teacher's records, student performance results,<sup>7</sup> and interview the teacher. If a principal believes students would not benefit from the placement, he or she may request an alternative placement subject to the approval by the superintendent.<sup>8</sup> However, the superintendent must accept

<sup>1</sup> Kenneth Leithwood, et. al., *How Leadership Influences Student Learning*, Ontario Institute for Studies in Education, at 5 (2004), available at <http://www.wallacefoundation.org/knowledge-center/school-leadership/key-research/Documents/How-Leadership-Influences-Student-Learning.pdf>.

<sup>2</sup> The Wallace Foundation, *Leading From Every Seat, Empowering Principals to Cultivate Teacher Leadership for School Improvement*, at 4 (2015), available at <http://www.newleaders.org/wp-content/uploads/LeadingFromEverySeat.pdf>.

<sup>3</sup> Ikemato, Gina, et. al., *Great Principals At Scale: Creating District Conditions That Enable All Principals to Be Effective*, The Bush Institute, at 9-11 (June, 2014), available at [http://www.newleaders.org/wp-content/uploads/GPAS\\_FullReport\\_Final.pdf](http://www.newleaders.org/wp-content/uploads/GPAS_FullReport_Final.pdf).

<sup>4</sup> See s. 1012.01(3), F.S. Administrative personnel are K-12 personnel who perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and non-instructional administrators, as well as school administrators who perform administrative duties at the school-level. *Id.*

<sup>5</sup> Section 1001.54, F.S.

<sup>6</sup> Instructional personnel include classroom teachers; staff who provide student personnel services, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S.

<sup>7</sup> As measured by the instructional personnel's performance evaluation. Section 1012.28(6), F.S.

<sup>8</sup> Section 1012.27(1)(b), F.S.

the principal's decision to refuse placement or transfer of instructional personnel if the instructional personnel has a performance evaluation rating of needs improvement or unsatisfactory.<sup>9</sup>

## The Florida Principal Leadership Standards

The Florida Principal Leadership Standards (FPLS) are Florida's core expectations for effective school administrators, including school principals. The FPLS are research-based; represent necessary knowledge, skills, and abilities for effective school leadership; and are the basis for school administrator performance evaluations, professional development systems, preparation programs, and certification requirements. The FPLS emphasize ability to improve student learning results; development and retention of quality classroom teachers; and school management practices that promote student learning, effective allocation of resources, and efficient operations.<sup>10</sup>

## Performance Evaluation

Florida law requires each district school superintendent to establish procedures to evaluate the job performance of district instructional, administrative, and supervisory personnel.<sup>11</sup> Instructional personnel and school administrators must be evaluated annually, with exceptions.<sup>12</sup> School district performance evaluation systems must differentiate among four levels of performance:

- Highly effective;
- Effective;
- Needs improvement, or for instructional personnel in their first three years of employment who need improvement, developing; and
- Unsatisfactory.<sup>13</sup>

The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities.<sup>14</sup> At least one-third of a school administrator's evaluation must be based upon student performance, with certain exceptions.<sup>15</sup> Student performance must be measured by statewide assessments<sup>16</sup> and, by the 2014-2015 school year for subjects and grade levels not tested by statewide assessments, local assessments.<sup>17</sup> Evaluation of instructional leadership must include performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth.<sup>18</sup>

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<sup>9</sup> Section 1012.28(6), F.S.

<sup>10</sup> Section 1012.34 F.S. and Rule 6A-5.080(1)-(2), F.A.C.

<sup>11</sup> Section 1012.34(1)(a), F.S. The term "supervisory personnel" is not defined. *See s. 1012.01(3)*, F.S.

<sup>12</sup> *See s. 1012.34(3)(a)*, F.S. Newly hired classroom teachers must be evaluated at least twice in their first year of teaching in the school district "Newly hired classroom teachers" include first-time teachers new to the profession as well as veteran teachers new to the school district. *Id.*

<sup>13</sup> Section 1012.34(2)(e), F.S.

<sup>14</sup> Section 1012.34(3)(a)1., 3., and 4., F.S.

<sup>15</sup> Section 1012.34(3)(a)1., F.S. If less than three years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment. Section 1012.34(3)(a)1.b., F.S.

<sup>16</sup> The statewide assessment program for public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, geometry, Biology I, civics, and U.S. History; and FCAT 2.0 science (grades 5 and 8). Section 1008.22(3)(a)(b), F.S. EOC assessments count 30 percent of a student's final course grade. *See ss. 1003.4156(1) and 1003.4282(3)*, F.S.

<sup>17</sup> Sections 1012.34(3)(a)1. and 1008.22(6), F.S.

<sup>18</sup> Section 1012.34(3)(a)3., F.S.

## **Professional Development**

Professional development for school administrators is provided through school district professional development systems including the William Cecil Golden Professional Development Program for School Leaders. This program is established in collaboration with state and national professional leadership organizations and it is designed to respond to Florida's needs for quality school leadership and support the efforts of school leaders in improving instruction and student achievement and developing and retaining quality teachers.<sup>19</sup> Professional development provided through the program must be based upon the FPLS and other school leadership standards.<sup>20</sup>

The University of Virginia School Turnaround Program is a professional development program for school-level leaders established in collaboration with the University of Virginia Darden School of Business and the Curry School of Education.<sup>21</sup> The three year program is designed to respond to the needs of underperforming schools by helping education leaders identify individual key issues and develop individual strategies to turn around a school. The program's managers accomplish these tasks by, among other things, hosting workshops to develop turnaround plans, by helping participating schools identify qualified school leaders to oversee school turnaround and by conducting on-site visits to help participating schools accomplish turnaround goals.<sup>22</sup> The program's managers and participating schools also collaborate to develop plans designed to help teachers and students reach performance goals.<sup>23</sup>

## **Effect of Proposed Changes**

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide the principal of a participating school with increased autonomy and authority regarding allocation of resources and staffing to improve student achievement and school management. School district participation in PAPPI is voluntary. School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. A proposal must:

- Identify three middle or high schools that received at least two school grades of "D" or "F" during the previous three school years.
- Identify three principals who have earned a highly effective rating on the prior year's performance evaluations, one of whom shall be assigned to each of the participating schools.
- Describe the current financial and administrative management of each participating school;
- Identify the areas in which each school principal will have increased fiscal and administrative autonomy, including greater autonomy regarding the hiring of instructional personnel.
- Identify the areas in which each participating school will continue to follow district school board fiscal and administrative policies.
- Explain the methods used to identify the educational strengths and needs of the participating school's students and identify how student achievement can be improved.
- Establish performance goals for student achievement.
- Explain how increased principal autonomy will help participating schools improve student achievement and school management.
- Provide each participating school's mission and a description of its student population.

Based upon these criteria, the state board must approve or deny a school district's proposal. The bill authorizes the state board to enter into a performance contract with up to three district school boards

<sup>19</sup> See ss. 1012.98(4) and 1012.986, F.S.

<sup>20</sup> Section 1012.986(1)-(2), F.S.

<sup>21</sup> University of Virginia, *Darden/Curry Partnership for Leadership in Education*, <http://www.darden.virginia.edu/darden-curry-ple/about/> (last visited November 3, 2015).

<sup>22</sup> University of Virginia, *Darden Partnership for Leadership in Education*, available at <http://web3.darden.virginia.edu/ple/>

<sup>23</sup> *Id.*

for participation in PAPPI. The term of the program is three years, at which time the performance of all participating schools in the school district must be evaluated. The state board may revoke a district's participation in the program during the term of the program and may renew participation upon expiration of the initial term. The bill specifies deadlines for submission and approval of principal autonomy proposals and requires the state board to adopt rules for administering PAPPI, including criteria for approving proposals.

The bill exempts participating school districts from the K-20 Education Code and state board rules implementing such provisions, except provisions relating to:

- The election and compensation of district school board members, the election or appointment and compensation of district school superintendents, public meetings and public records requirements, financial disclosure, and conflicts of interest.
- The student assessment program, school grading system, and other school improvement and accountability requirements.
- Students with disabilities.
- Civil rights.
- Student health, safety, and welfare.
- The uniform opening date for public schools.
- Maximum class size, except that compliance for a participating school is calculated at the school-level average, rather than at the individual classroom level.<sup>24</sup>
- Personnel compensation and salary schedules.
- Workforce reductions for annual contracts for instructional personnel, excluding at-will employees.
- Annual contracts for instructional personnel hired on or after July 1, 2011, excluding at-will employees.
- Personnel performance evaluations.
- Educational facilities, excluding provisions governing covered walkways for relocatables and use of relocatable facilities exceeding 20 years of age.
- Administration and implementation of PAPPI by participating school districts.

Each participating school district must require the principal of each participating school, a three-member leadership team from each participating school, and district personnel working with each participating school to enroll and complete the University of Virginia School Turnaround Program. Each participating school district shall receive \$100,000 from the department for participation in program.

In addition, each participating principal shall receive \$10,000, which can be used as a salary supplement, a fund for the principal's school to be used at the principal's discretion, or both, as determined by the district. For example, a participating principal could receive \$5,000 as a salary supplement and \$5,000 to use at the school as he or she chooses. The criteria for a principal to qualify for the salary supplement are as follows:

- The participating principal must be rated highly effective;
- The participating principal must be transferred to a school that earned a grade of "F" or three consecutive grades of "D" and provided additional authority and responsibilities; and
- The participating principal must have implemented a turnaround option at a school as the school's principal. The turnaround option must have resulted in the school improving by at least one letter grade while he or she was serving as the school's principal.

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<sup>24</sup> The Florida Constitution provides that class sizes may not exceed 18 students for prekindergarten through 3<sup>rd</sup> grade; 22 students for 4<sup>th</sup> through 8<sup>th</sup> grades; and 25 students for 9<sup>th</sup> through 12<sup>th</sup> grades. Section 1(a), Art. IX of the State Constitution and s. 1003.03(1), F.S. The law provides for calculation of class size compliance at the school-level average for public schools of choice, including charter schools. Sections 1002.31(5) and 1002.33(16)(b)3., F.S.

Participating school districts must submit an annual report to the state board regarding program implementation. Upon completion of the program's first three-year term, the Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives by December 1 of that year. This evaluation will allow the Legislature to assess the program's performance and decide whether to continue or repeal the program.

The bill revises existing law governing the personnel duties of school principals and school budgeting and calculation of expenditures to facilitate implementation of PAPPI. Currently, a district school superintendent must consider, but is not bound by, personnel nominations made by school principals. Furthermore, a school principal may only refuse placement of instructional personnel rated needs improvement or unsatisfactory on annual performance evaluations. The bill authorizes the principal of a participating school to:

- Select qualified instructional personnel for placement at the school; and
- Refuse placement or transfer of instructional personnel by the district school superintendent, in any case.

The bill also provides participating principals greater authority to deploy financial resources and control over his or her school's operational budget. Currently, each district school board must allocate to schools within the district an average of 90 percent of the funds generated by all schools and guarantee that each school receives at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program (FEFP), including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy. The bill specifies that schools participating in PAPPI must be guaranteed to receive at least 90 percent of the funds generated in the FEFP by that school.

#### B. SECTION DIRECTORY:

**Section 1.** Creates s. 1011.6202, F.S., relating to the Principal Autonomy Pilot Program Initiative.

**Section 2.** Amends s. 1011.69, F.S., relating to the Equity in School-Level Funding Act.

**Section 3.** Amends s. 1012.28, F.S., relating to public school personnel; duties of school principals.

**Section 4.** Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS, *infra*.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Participation in PAPPI is optional. Several of the requirements for participating in PAPPI will impact budgeting and allocation of resources by participating school districts. Schools participating in PAPPI must be guaranteed to receive at least 90 percent of the funds generated in the FEFP by that school. The current minimum guarantee is 80 percent of such funds. The bill also provides principals of those schools greater authority to deploy financial resources and control over the school's operational budget.

The bill requires the principals of participating schools to complete additional professional development, but provides for inclusion of expenses incurred by participating school districts in DOE's calculation of a participating school district's operating expenditures.

The bill requires the DOE to provide \$100,000 to each participating school district for the cost of participating in the University of Virginia School Turnaround Program. The bill must also require an additional payment of \$10,000 for each participating principal, which can be used as a salary supplement, a fund for the principal's school to be used at the principal's discretion, or both, as determined by the district. The participating school districts make the determination on how the \$10,000 is used. Since participation in the pilot is voluntary for school districts, it is unknown how many districts and schools will participate and therefore the total fiscal impact of the bill is indeterminate.

Participating school districts may achieve cost savings resulting from the statutory and rule exemptions granted to them by the bill.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules for administering the Principal Autonomy Pilot Program Initiative, including criteria for approval of school district principal autonomy proposals.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On November 3 2016, the K-12 Subcommittee reported the bill favorably as amended. The amendment provides school districts with the option of using the \$10,000 appropriation from the Legislature as a salary supplement for principals, a discretionary fund for the principal to use at his or her school, or both, as determined by the district. The criteria for a principal to qualify for the salary supplement are as follows:

- The participating principal must be rated highly effective;
- The participating principal must be transferred to a school that earned a grade of "F" or three consecutive grades of "D" and provided additional authority and responsibilities; and
- The participating principal must have implemented a turnaround option at a school as the school's principal. The turnaround option must have resulted in the school improving by at least one letter grade while he or she was serving as the school's principal.



27 Section 1. Section 1011.6202, Florida Statutes, is created  
 28 to read:

29 1011.6202 Principal Autonomy Pilot Program Initiative.—The  
 30 Principal Autonomy Pilot Program Initiative is created within  
 31 the Department of Education. The purpose of the pilot program is  
 32 to provide the highly effective principal of a participating  
 33 school with increased autonomy and authority to operate his or  
 34 her school in a way that produces significant improvements in  
 35 student achievement and school management while complying with  
 36 constitutional requirements. The State Board of Education may,  
 37 upon approval of a principal autonomy proposal, enter into a  
 38 performance contract with up to three district school boards for  
 39 participation in the pilot program.

40 (1) PARTICIPATING SCHOOL DISTRICTS.—A Florida school  
 41 district may submit to the state board for approval a principal  
 42 autonomy proposal that exchanges statutory and rule exemptions  
 43 for an agreement to meet performance goals established in the  
 44 proposal. If approved by the state board, the school district  
 45 shall be eligible to participate in the pilot program for 3  
 46 years. At the end of the 3 years, the performance of all  
 47 participating schools in the school district shall be evaluated.

48 (2) PRINCIPAL AUTONOMY PROPOSAL.—

49 (a) To participate in the pilot program, a school district  
 50 must:

51 1. Identify three middle or high schools that received at  
 52 least two school grades of "D" or "F" pursuant to s. 1008.34

53 | during the previous 3 school years.

54 | 2. Identify three principals who have earned a highly  
55 | effective rating on the prior year's performance evaluation  
56 | pursuant to s. 1012.34, one of whom shall be assigned to each of  
57 | the participating schools.

58 | 3. Describe the current financial and administrative  
59 | management of each participating school; identify the areas in  
60 | which each school principal will have increased fiscal and  
61 | administrative autonomy, including the authority and  
62 | responsibilities provided in s. 1012.28(8); and identify the  
63 | areas in which each participating school will continue to follow  
64 | district school board fiscal and administrative policies.

65 | 4. Explain the methods used to identify the educational  
66 | strengths and needs of the participating school's students and  
67 | identify how student achievement can be improved.

68 | 5. Establish performance goals for student achievement, as  
69 | defined in s. 1008.34(1), and explain how the increased autonomy  
70 | of principals will help participating schools improve student  
71 | achievement and school management.

72 | 6. Provide each participating school's mission and a  
73 | description of its student population.

74 | (b) The state board shall establish criteria, which must  
75 | include the criteria listed in paragraph (a), for the approval  
76 | of a principal autonomy proposal.

77 | (c) A school district must submit its principal autonomy  
78 | proposal to the state board for approval by December 1 in order

79 to begin participation in the subsequent school year. By  
80 February 28 of the school year in which the proposal is  
81 submitted, the state board shall notify the district school  
82 board in writing whether the proposal is approved.

83 (3) EXEMPTION FROM LAWS.—

84 (a) With the exception of those laws listed in paragraph  
85 (b), a participating school district is exempt from the  
86 provisions of chapters 1000-1013 and rules of the state board  
87 that implement those exempt provisions.

88 (b) A participating school district shall comply with the  
89 provisions of chapters 1000-1013, and rules of the state board  
90 that implement those provisions, pertaining to the following:

91 1. Those laws relating to the election and compensation of  
92 district school board members, the election or appointment and  
93 compensation of district school superintendents, public meetings  
94 and public records requirements, financial disclosure, and  
95 conflicts of interest.

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

98 3. Those laws relating to the provision of services to  
99 students with disabilities.

100 4. Those laws relating to civil rights, including s.  
101 1000.05, relating to discrimination.

102 5. Those laws relating to student health, safety, and  
103 welfare.

104 6. Section 1001.42(4)(f), relating to the uniform opening

105 date for public schools.

106 7. Section 1003.03, governing maximum class size, except  
107 that the calculation for compliance pursuant to s. 1003.03 is  
108 the average at the school level for a participating school.

109 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
110 compensation and salary schedules.

111 9. Section 1012.33(5), relating to workforce reductions  
112 for annual contracts for instructional personnel. This  
113 subparagraph does not apply to at-will employees.

114 10. Section 1012.335, relating to annual contracts for  
115 instructional personnel hired on or after July 1, 2011. This  
116 subparagraph does not apply to at-will employees.

117 11. Section 1012.34, relating to personnel evaluation  
118 procedures and criteria.

119 12. Those laws pertaining to educational facilities,  
120 including chapter 1013, except that s. 1013.20, relating to  
121 covered walkways for relocatables, and s. 1013.21, relating to  
122 the use of relocatable facilities exceeding 20 years of age, are  
123 eligible for exemption.

124 13. Those laws pertaining to participating school  
125 districts, including this section and ss. 1011.69(2) and  
126 1012.28(8).

127 (4) PROFESSIONAL DEVELOPMENT.—Each participating school  
128 district shall require that the principal of each participating  
129 school, a three-member leadership team from each participating  
130 school, and district personnel working with each participating

131 school complete the University of Virginia School Turnaround  
132 Program. The required personnel must enroll in the University of  
133 Virginia School Turnaround Program upon acceptance into the  
134 pilot program. Each participating school district shall receive  
135 \$100,000 from the department for participation in the University  
136 of Virginia School Turnaround Program.

137 (5) TERM OF PARTICIPATION.—The state board shall authorize  
138 a school district to participate in the pilot program for a  
139 period of 3 years commencing with approval of the principal  
140 autonomy proposal. Authorization to participate in the pilot  
141 program may be renewed upon action of the state board. The state  
142 board may revoke authorization to participate in the pilot  
143 program if the school district fails to meet the requirements of  
144 this section during the 3-year period.

145 (6) REPORTING.—Each participating school district shall  
146 submit an annual report to the state board. The state board  
147 shall annually report on the implementation of the Principal  
148 Autonomy Pilot Program Initiative. Upon completion of the pilot  
149 program's first 3-year term, the Commissioner of Education shall  
150 submit to the President of the Senate and the Speaker of the  
151 House of Representatives by December 1 a full evaluation of the  
152 effectiveness of the pilot program.

153 (7) FUNDING.—The Legislature shall provide an  
154 appropriation to the department for the costs of the pilot  
155 program, including administrative costs and enrollment costs for  
156 the University of Virginia School Turnaround Program, and an

157 additional amount of \$10,000 for each participating principal in  
158 each participating district as a salary supplement, a fund for  
159 the principal's school to be used at the principal's discretion,  
160 or both, as determined by the district. To be eligible for a  
161 salary supplement under this subsection, a participating  
162 principal must:

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

165 (b) Be transferred to a school that earned a grade of "F"  
166 or three consecutive grades of "D" pursuant to s. 1008.34 and  
167 provided additional authority and responsibilities pursuant to  
168 s. 1012.28(8); and

169 (c) Have implemented a turnaround option under s.  
170 1008.33(4) at a school as the school's principal. The turnaround  
171 option must have resulted in the school improving by at least  
172 one letter grade while he or she was serving as the school's  
173 principal.

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

176 Section 2. Subsection (2) of section 1011.69, Florida  
177 Statutes, is amended to read:

178 1011.69 Equity in School-Level Funding Act.—

179 (2) Beginning in the 2003-2004 fiscal year, district  
180 school boards shall allocate to schools within the district an  
181 average of 90 percent of the funds generated by all schools and  
182 guarantee that each school receives at least 80 percent, except

183 schools participating in the Principal Autonomy Pilot Program  
184 Initiative under s. 1011.6202 are guaranteed to receive at least  
185 90 percent, of the funds generated by that school based upon the  
186 Florida Education Finance Program as provided in s. 1011.62 and  
187 the General Appropriations Act, including gross state and local  
188 funds, discretionary lottery funds, and funds from the school  
189 district's current operating discretionary millage levy. Total  
190 funding for each school shall be recalculated during the year to  
191 reflect the revised calculations under the Florida Education  
192 Finance Program by the state and the actual weighted full-time  
193 equivalent students reported by the school during the full-time  
194 equivalent student survey periods designated by the Commissioner  
195 of Education. If the district school board is providing programs  
196 or services to students funded by federal funds, any eligible  
197 students enrolled in the schools in the district shall be  
198 provided federal funds.

199 Section 3. Subsection (8) is added to section 1012.28,  
200 Florida Statutes, to read:

201 1012.28 Public school personnel; duties of school  
202 principals.—

203 (8) The principal of a school participating in the  
204 Principal Autonomy Pilot Program Initiative under s. 1011.6202  
205 has the following additional authority and responsibilities:

206 (a) In addition to the authority provided in subsection  
207 (6), the authority to select qualified instructional personnel  
208 for placement or to refuse to accept the placement or transfer

209 of instructional personnel by the district school  
210 superintendent. Placement of instructional personnel at a  
211 participating school in a participating school district does not  
212 affect the employee's status as a school district employee.

213 (b) The authority to deploy financial resources to school  
214 programs at the principal's discretion to help improve student  
215 achievement, as defined in s. 1008.34(1), and meet performance  
216 goals identified in the principal autonomy proposal submitted  
217 pursuant to s. 1011.6202.

218 (c) To annually provide to the district school  
219 superintendent and the district school board a budget for the  
220 operation of the participating school that identifies how funds  
221 provided pursuant to s. 1011.69(2) are allocated. The school  
222 district shall include the budget in the annual report provided  
223 to the State Board of Education pursuant to s. 1011.6202(6).

224 Section 4. This act shall take effect July 1, 2016.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee

3 Representative Diaz, M. offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 1011.6202, Florida Statutes, is created  
8 to read:

9 1011.6202 Principal Autonomy Pilot Program Initiative.-The  
10 Principal Autonomy Pilot Program Initiative is created within  
11 the Department of Education. The purpose of the pilot program is  
12 to provide the highly effective principal of a participating  
13 school with increased autonomy and authority to operate his or  
14 her school in a way that produces significant improvements in  
15 student achievement and school management while complying with  
16 constitutional requirements. The State Board of Education may,  
17 upon approval of a principal autonomy proposal, enter into a

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18 performance contract with up to 7 district school boards for  
19 participation in the pilot program.

20 (1) PARTICIPATING SCHOOL DISTRICTS.— The District School  
21 Boards in Broward, Duval, Jefferson, Madison, Palm Beach,  
22 Pinellas and Seminole Counties may submit to the state board for  
23 approval a principal autonomy proposal that exchanges statutory  
24 and rule exemptions for an agreement to meet performance goals  
25 established in the proposal. If approved by the state board,  
26 each of these school districts shall be eligible to participate  
27 in the pilot program for 3 years. At the end of the 3 years, the  
28 performance of all participating schools in the school district  
29 shall be evaluated.

30 (2) PRINCIPAL AUTONOMY PROPOSAL.—

31 (a) To participate in the pilot program, a school district  
32 must:

33 1. Identify three middle or high schools that received at  
34 least two school grades of "D" or "F" pursuant to s. 1008.34  
35 during the previous 3 school years.

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

40 3. Describe the current financial and administrative  
41 management of each participating school; identify the areas in  
42 which each school principal will have increased fiscal and  
43 administrative autonomy, including the authority and

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44 responsibilities provided in s. 1012.28(8); and identify the  
45 areas in which each participating school will continue to follow  
46 district school board fiscal and administrative policies.

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

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

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

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

59 (c) A district school board must submit its principal  
60 autonomy proposal to the state board for approval by December 1  
61 in order to begin participation in the subsequent school year.  
62 By February 28 of the school year in which the proposal is  
63 submitted, the state board shall notify the district school  
64 board in writing whether the proposal is approved.

65 (3) EXEMPTION FROM LAWS.-

66 (a) With the exception of those laws listed in paragraph  
67 (b), a participating school is exempt from the provisions of  
68 chapters 1000-1013 and rules of the state board that implements  
69 those exempt provisions.

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70 (b) A participating school shall comply with the  
71 provisions of chapters 1000-1013, and rules of the state board  
72 that implement those provisions, pertaining to the following:

73 1. Those laws relating to the election and compensation of  
74 district school board members, the election or appointment and  
75 compensation of district school superintendents, public meetings  
76 and public records requirements, financial disclosure, and  
77 conflicts of interest.

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

80 3. Those laws relating to the provision of services to  
81 students with disabilities.

82 4. Those laws relating to civil rights, including s.  
83 1000.05, relating to discrimination.

84 5. Those laws relating to student health, safety, and  
85 welfare.

86 6. Section 1001.42(4)(f), relating to the uniform opening  
87 date for public schools.

88 7. Section 1003.03, governing maximum class size, except  
89 that the calculation for compliance pursuant to s. 1003.03 is  
90 the average at the school level for a participating school.

91 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
92 compensation and salary schedules.

93 9. Section 1012.33(5), relating to workforce reductions  
94 for annual contracts for instructional personnel. This  
95 subparagraph does not apply to at-will employees.

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96       10. Section 1012.335, relating to annual contracts for  
97 instructional personnel hired on or after July 1, 2011. This  
98 subparagraph does not apply to at-will employees.

99       11. Section 1012.34, relating to personnel evaluation  
100 procedures and criteria.

101       12. Those laws pertaining to educational facilities,  
102 including chapter 1013, except that s. 1013.20, relating to  
103 covered walkways for relocatables, and s. 1013.21, relating to  
104 the use of relocatable facilities exceeding 20 years of age, are  
105 eligible for exemption.

106       13. Those laws pertaining to participating school  
107 districts, including this section and ss. 1011.69(2) and  
108 1012.28(8).

109       (4) PROFESSIONAL DEVELOPMENT.- Each participating school  
110 district shall require that the principal of each participating  
111 school, a three-member leadership team from each participating  
112 school, and district personnel working with each participating  
113 school complete a nationally recognized school turnaround  
114 program which focuses on improving leadership, instructional  
115 infrastructure, talent management, and differentiated support  
116 and accountability. The required personnel must enroll in the  
117 nationally recognized school turnaround program upon acceptance  
118 into the pilot program. Each participating school district shall  
119 receive \$100,000 from the department for participation in the  
120 nationally recognized school turnaround program.

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121       (5) TERM OF PARTICIPATION.—The state board shall authorize  
122 a school district to participate in the pilot program for a  
123 period of 3 years commencing with approval of the principal  
124 autonomy proposal. Authorization to participate in the pilot  
125 program may be renewed upon action of the state board. The state  
126 board may revoke authorization to participate in the pilot  
127 program if the school district fails to meet the requirements of  
128 this section during the 3-year period.

129       (6) REPORTING.—Each participating school district shall  
130 submit an annual report to the state board. The state board  
131 shall annually report on the implementation of the Principal  
132 Autonomy Pilot Program Initiative. Upon completion of the pilot  
133 program's first 3-year term, the Commissioner of Education shall  
134 submit to the President of the Senate and the Speaker of the  
135 House of Representatives by December 1 a full evaluation of the  
136 effectiveness of the pilot program.

137       (7) FUNDING.—The Legislature shall provide an  
138 appropriation to the department for the costs of the pilot  
139 program, including administrative costs and enrollment costs for  
140 the nationally recognized school turnaround program, and an  
141 additional amount of \$10,000 for each participating principal in  
142 each participating district as an annual salary supplement, a  
143 fund for the principal's school to be used at the principal's  
144 discretion, or both, as determined by the district. To be  
145 eligible for a salary supplement under this subsection, a  
146 participating principal must:

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

149       (b) Be transferred to a school that earned a grade of "F"  
150 or three consecutive grades of "D" pursuant to s. 1008.34 and  
151 provided additional authority and responsibilities pursuant to  
152 s. 1012.28(8); and

153       (c) Have implemented a turnaround option under s.  
154 1008.33(4) at a school as the school's principal. The turnaround  
155 option must have resulted in the school improving by at least  
156 one letter grade while he or she was serving as the school's  
157 principal.

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

160       Section 2. Subsection (2) of section 1011.69, Florida  
161 Statutes, is amended to read:

162       1011.69 Equity in School-Level Funding Act.—

163       (2) Beginning in the 2003-2004 fiscal year, district  
164 school boards shall allocate to schools within the district an  
165 average of 90 percent of the funds generated by all schools and  
166 guarantee that each school receives at least 80 percent, except  
167 schools participating in the Principal Autonomy Pilot Program  
168 Initiative under s. 1011.6202 are guaranteed to receive at least  
169 90 percent, of the funds generated by that school based upon the  
170 Florida Education Finance Program as provided in s. 1011.62 and  
171 the General Appropriations Act, including gross state and local  
172 funds, discretionary lottery funds, and funds from the school

Amendment No. 1

173 district's current operating discretionary millage levy. Total  
174 funding for each school shall be recalculated during the year to  
175 reflect the revised calculations under the Florida Education  
176 Finance Program by the state and the actual weighted full-time  
177 equivalent students reported by the school during the full-time  
178 equivalent student survey periods designated by the Commissioner  
179 of Education. If the district school board is providing programs  
180 or services to students funded by federal funds, any eligible  
181 students enrolled in the schools in the district shall be  
182 provided federal funds.

183 Section 3. Subsection (8) is added to section 1012.28,  
184 Florida Statutes, to read:

185 1012.28 Public school personnel; duties of school  
186 principals.-

187 (8) The principal of a school participating in the  
188 Principal Autonomy Pilot Program Initiative under s. 1011.6202  
189 has the following additional authority and responsibilities:

190 (a) In addition to the authority provided in subsection  
191 (6), the authority to select qualified instructional personnel  
192 for placement or to refuse to accept the placement or transfer  
193 of instructional personnel by the district school  
194 superintendent. Placement of instructional personnel at a  
195 participating school in a participating school district does not  
196 affect the employee's status as a school district employee.

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

Amendment No. 1

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

202 (c) To annually provide to the district school  
203 superintendent and the district school board a budget for the  
204 operation of the participating school that identifies how funds  
205 provided pursuant to s. 1011.69(2) are allocated. The school  
206 district shall include the budget in the annual report provided  
207 to the State Board of Education pursuant to s. 1011.6202(6).

208 Section 4. For the 2016-2017 fiscal year the sum of  
209 \$700,000 in nonrecurring funds and \$210,000 in recurring funds  
210 is appropriated from the General Revenue Fund to the Department  
211 of Education to implement the requirements of this act.

212 Section 5. This act shall take effect July 1, 2016.

213

214

215

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**T I T L E   A M E N D M E N T**

216

Remove everything before the enacting clause and insert:

217

An act relating to the Principal Autonomy Pilot

218

Program Initiative; creating s. 1011.6202, F.S.;

219

creating the Principal Autonomy Pilot Program

220

Initiative; providing a procedure for certain district

221

school boards to participate in the pilot program;

222

providing requirements for participating school

223

districts and schools; exempting participating schools

224

from certain laws and rules; requiring principals of

## Amendment No. 1

225 participating schools and specified personnel to  
226 participate in a nationally recognized school  
227 turnaround program; providing for the term of  
228 participation in the pilot program; providing for  
229 renewal or revocation of authorization to participate  
230 in the pilot program; providing for reporting,  
231 funding, eligibility requirements for certain funding,  
232 and rulemaking; amending s. 1011.69, F.S.; requiring  
233 participating district school boards to allocate a  
234 specified percentage of certain funds to participating  
235 schools; amending s. 1012.28, F.S.; providing  
236 additional authority and responsibilities of the  
237 principal of a participating school; providing a  
238 specific appropriation; providing an effective date.  
239



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 719 Education Personnel  
**SPONSOR(S):** K-12 Subcommittee, Spano and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 894

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N, As CS	Brink	Fudge
2) Education Appropriations Subcommittee		Seifert	Heflin 
3) Education Committee			

### SUMMARY ANALYSIS

The bill revises several provisions related to education personnel. With respect to educator discipline, the bill:

- Revises the membership of the Education Practices Commission to include membership opportunities for school administrators employed by virtual schools; former charter school governing board members; and former district school superintendents, assistant superintendents, or deputy superintendents.
- Requires all commission members to be Florida residents and authorizes the appointment of emeritus members.
- Authorizes the Commissioner of Education to issue a letter of guidance to a certified educator upon finding that probable cause to prosecute a complaint does not exist.
- Authorizes the Department of Children and Families to disclose child abandonment, abuse, or neglect records to Department of Education (DOE) employees who investigate or prosecute misconduct by certified educators.

In addition, the bill eliminates the July 1, 2016, expiration date for the educator liability insurance program, which provides liability coverage for all full-time public school instructional personnel. The bill also prohibits postsecondary educational institutions and school districts from requiring a student participating in a clinical field experience to purchase liability insurance as a condition of participation.

To provide additional support for activities related to educator certification, including education practices and professional practices, the bill exempts the Educator Certification and Service Trust Fund from the 8 percent General Revenue service charge.

With respect to teacher recruitment, the bill authorizes, rather than requires, DOE to sponsor a centrally located job fair to help match educators with teaching opportunities in the state. The bill requires DOE to coordinate a best practice community to help school districts recruit and perform other human resources functions with up-to-date knowledge. The bill also deletes obsolete State Board of Education rulemaking authority regarding certain teacher assignment requirements.

The bill also promotes effective school leadership by providing standards for approval of school leader preparation programs.

The bill has a negative recurring impact of \$600,000 to the General Revenue Fund. see FISCAL IMPACT ON STATE GOVERNMENT, *infra*.

The bill takes effect on July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Education Practices Commission**

###### Present Situation

The Education Practices Commission (EPC) is a panel that is responsible for adjudicating complaints of misconduct committed by certified educators. The EPC is authorized to suspend or revoke an educator's certificate and may impose other sanctions.<sup>1</sup> The EPC consists of 25 members, including:

- Eight teachers;
- Five administrators, at least one of whom must represent a private school;
- Seven lay citizens, five of whom must be parents of public school students with no family relation to a public school employee and two of whom must be former district school board members; and
- Five sworn law enforcement officials.

EPC members are appointed by the State Board of Education based upon nominations by the Commissioner of Education and subject to Senate confirmation. Teacher, school administrator, and lay members of the EPC must be Florida residents. Residency is not required of law enforcement members.<sup>2</sup>

The Department of Education (DOE) is required to investigate complaints of misconduct committed by certified educators to determine if probable cause exists to refer the matter for prosecution by the EPC.<sup>3</sup> DOE investigative staff must advise the Commissioner of Education regarding the findings of the investigation. DOE's legal department must review the investigation and advise the commissioner as to whether probable cause exists to prosecute the complaint. Unless the complaint involves a felony or crime of moral turpitude, the commissioner may enter into a deferred prosecution agreement with the certified educator in lieu of finding probable cause. The commissioner must dismiss a complaint if probable cause does not exist to commence prosecution.<sup>4</sup>

Florida law provides that records held by the Department of Children and Families (DCF) regarding reports of child abandonment, abuse, or neglect are confidential and exempt from public records disclosure requirements. The law authorizes disclosure of these records to a limited list of individuals, e.g., state or local government, law enforcement, or court officials who investigate or adjudicate alleged child abuse or provide supportive services to child abuse victims.<sup>5</sup> The law does not authorize disclosure of child abuse records to DOE employees who are responsible for investigating or prosecuting misconduct by certified educators.

###### Effect of Proposed Changes

The bill revises the membership of the EPC as follows:

- The number of teacher members is increased from eight to 10.
- The one school administrator slot currently reserved for a private school administrator may also be filled by a virtual school administrator.

<sup>1</sup> Section 1012.795(1), F.S.

<sup>2</sup> Section 1012.79(1), F.S.

<sup>3</sup> Section 1012.796(1), F.S.

<sup>4</sup> Section 1012.796(3), F.S.

<sup>5</sup> Section 39.202(1)-(2), F.S.

- The number of parent members is reduced from five to four.
- The two membership slots currently reserved for former district school board members remain, but are no longer classified as "lay citizen" slots and may also be filled by a former charter school governing board member or former district school superintendent, assistant superintendent, or deputy superintendent.
- The number of sworn law enforcement officials is reduced from five to four.
- The Commissioner of Education, upon request or recommendation from the EPC, is authorized to appoint up to five emeritus members to serve one-year terms. Emeritus members may serve up to five one-year terms, are voting members for discipline hearings, and are nonvoting members for other matters. Such members are not subject to Senate confirmation.
- All members of the EPC must be Florida residents.

Additionally, the bill authorizes DCF to disclose child abandonment, abuse, or neglect records, including information in the DCF central abuse hotline,<sup>6</sup> to DOE employees who investigate or prosecute misconduct by certified educators.

Currently, the commissioner must dismiss a complaint if probable cause does not exist to commence prosecution. The bill also authorizes the commissioner to issue a letter of guidance to a certified educator if the complaint is dismissed because no probable cause is found.

## **Educator Liability Insurance Program**

### Present Situation

Legislation passed in 2015 requires DOE to administer a liability insurance program to protect public school educators from liability for claims arising from incidents occurring while performing job responsibilities.<sup>7</sup> The program must provide coverage amounting to \$2 million to all full-time instructional personnel.<sup>8</sup> Part-time instructional personnel, administrative personnel, and student teachers participating in clinical field experience through a state-approved teacher preparation program may opt to receive liability coverage, at cost.<sup>9</sup>

The law required DOE, by August 1, 2015, to notify eligible personnel of the pending procurement for liability coverage. In addition, the law required each school district, by September 1, 2015, to notify eligible personnel of the liability coverage using a postcard which included:

- The amount of the coverage;
- A general description of the nature of the coverage; and
- The contact information for coverage and claims questions.<sup>10</sup>

The law required each district school board to certify to DOE by September 15, 2015, that the district had provided the notification to the eligible personnel.<sup>11</sup>

DOE must consult with the Department of Financial Services to select the "most economically prudent and cost-effective means of implementing the program through self-insurance, a risk management program, or competitive procurement."<sup>12</sup>

The law establishing the educator liability insurance program will expire on July 1, 2016.<sup>13</sup>

<sup>6</sup> Section 39.201, F.S.

<sup>7</sup> See s. 1012.75(3), F.S., as amended by s. 10, ch. 2015-222, L.O.F.

<sup>8</sup> Section 1012.75(3)(a), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 1012.75(3)(b), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 1012.75(3)(c), F.S.

## Effect of Proposed Changes

The bill saves the educator liability insurance program from repeal by eliminating the July 1, 2016, statutory expiration date. The bill requires DOE and each school district to provide annual notification of the insurance coverage to eligible personnel. District school boards must annually certify to DOE that the notification has been provided.

In addition, the bill requires a district school board providing clinical field experience to students in teacher preparation programs to notify the student electronically or in writing of the availability of educator liability insurance. Postsecondary educational institutions and district school boards are prohibited from requiring a student in a teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience or related activity on the premises of an elementary or secondary school.

## **School Leader Preparation Programs**

### Present Situation

School leaders include school administrators, school principals, school directors, career center directors, and assistant principals. School principals or school directors serve as the administrative head of a school and are responsible for coordinating and administering the instructional and noninstructional activities of the school. Assistant principals are staff members who assist the administrative head of the school regarding curricular and administrative matters.<sup>14</sup>

### *Florida Principal Leadership Standards*

The Florida Principal Leadership Standards (FPLS) are Florida's core expectations for effective school administrators. The FPLS are research-based; represent necessary knowledge, skills, and abilities for effective school leadership; and are the basis for school administrator preparation programs, certification competencies, certification examinations, performance evaluations, and professional development systems. The FPLS emphasize ability to improve student learning results; development and retention of quality classroom teachers; and school management practices.<sup>15</sup>

### *Performance Evaluation*

The job performance of school administrators must be evaluated annually.<sup>16</sup> The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities.<sup>17</sup> At least one-third of a school administrator's evaluation must be based upon student performance.<sup>18</sup> Based upon these criteria, an administrator is assigned a performance rating of highly effective, effective, needs improvement, or unsatisfactory.<sup>19</sup>

### *Professional Development*

The William Cecil Golden Professional Development Program for School Leaders is a professional development program for school principals. The program was established in collaboration with state

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<sup>13</sup> Section 1012.75(3)(d), F.S.

<sup>14</sup> See s. 1012.01(3), F.S. Administrative personnel are K-12 personnel who perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and non-instructional administrators, as well as school administrators who perform administrative duties at the school level. *Id.*

<sup>15</sup> Rule 6A-5.080(1)-(2), F.A.C.

<sup>16</sup> See s. 1012.34(3)(a), F.S.

<sup>17</sup> Section 1012.34(3)(a)1., 3., and 4., F.S.

<sup>18</sup> Section 1012.34(3)(a)1., F.S.

<sup>19</sup> Section 1012.34(2)(e), F.S.

and national professional leadership organizations. It is designed to respond to Florida's needs for quality school leadership and support the efforts of school leaders in improving instruction and student achievement and developing and retaining quality teachers. Professional development provided through the program must be based upon the FPLS and other school leadership standards.<sup>20</sup>

### *Certification*

The law requires school leaders to be certified and directs the State Board of Education to classify school services, designate certification subject areas, establish competencies for certification, and certification requirements for all school-based personnel.<sup>21</sup> The state board has established two classes of certification for school administrators – educational leadership and school principal. Certification in educational leadership qualifies one for any position falling under the classification "school administrator."<sup>22</sup> In order to advance to certification as a school principal, one must first be certified in educational leadership.<sup>23</sup>

In Florida, aspiring school administrators must complete a school leader preparation program approved by DOE. State board rule authorizes DOE to approve two types of school leader preparation programs. Level I programs may be offered by school districts and postsecondary institutions and lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs may be offered by school districts, build upon Level I training, and lead to certification as a school principal.<sup>24</sup>

State board rule specifies criteria for initial and continued approval of Level I and Level II school leader preparation programs. Among other things, initial approval of Level I programs offered by Florida postsecondary institutions and school districts is based upon evidence that the institution or district:

- Incorporates into the program objectives that are responsive to state and school district needs for school leaders.
- Has established a comprehensive program that:
  - Leads to initial certification in educational leadership.
  - Is aligned with the FPLS and the William Cecil Golden Program for School Leaders.
  - Provides for field experiences in K-12 schools designed in collaboration with Florida public schools or school districts.
  - Endorses as program completers based upon mastery of the FPLS for initial certification and earn passing scores on the Florida Educational Leadership Examination (FELE).
- Employs faculty who are qualified to teach courses required in the program, and who document annual onsite participation or research in K-12 school settings.
- Has a means for collecting performance data on certification candidates and program completers.<sup>25</sup>

Generally speaking, a Level I program offered by a postsecondary institution leads to a master's or higher degree in educational leadership and prepares one for certification. Such institutions may offer a modified program for individuals who already hold a master's or higher degree. School district programs may only serve school district employees who already hold a master's or higher degree.<sup>26</sup>

Continued approval of a Level I program is based upon data regarding:

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<sup>20</sup> Section 1012.986(1)-(2), F.S.

<sup>21</sup> Section 1012.55(1)(a)-(b), F.S.

<sup>22</sup> Rule 6A-4.0081, F.A.C.

<sup>23</sup> Rule 6A-4.0083, F.A.C.

<sup>24</sup>

<sup>25</sup> Rule 6A-5.081(1)(b)-(c), F.A.C.

<sup>26</sup> Rule 6A-5.081(1)(b)1. and 7 and (c)1. and 3.a., F.A.C.

- Candidate admission and enrollment, program completion rates, passage rates on the FELE, and performance during field experiences.
- Program completers' and employers' satisfaction with the completer's preparedness to serve in a school-based leadership position.

Postsecondary institutions and school districts must annually submit to DOE a program evaluation plan containing this data. DOE reviews these plans annually during the approval cycle, which is five years. Under the rule, personnel evaluation results and student learning growth data of program completers are not factors currently considered in determining continued program approval.<sup>27</sup>

Among other things, initial approval of Level II programs offered by school districts is based upon evidence that the district:

- Admits only candidates who hold certification in educational leadership, are employed in a public school within the district in a leadership position.
- Delivers a competency-based developmental program that:
  - Bases instruction on the individual's needs using a customized learning plan that is derived from data gathered from self-assessment, selection, and appraisal instruments aligned to program competencies.
  - Is aligned to the FPLS and the William Cecil Golden School Professional Development Program for School Leaders.
  - Integrates on-going professional development and the district's personnel evaluation into program experiences.
- Has the means of collecting continued approval data.
- Has an endorsement of program completion by the superintendent for all program participants.<sup>28</sup>

Continued approval of Level II programs is based upon data regarding:

- Candidate admission and enrollment, inservice hours completed by participants, and program completion rates.
- Program completers' and employers' satisfaction with the completer's preparedness to serve in a school-based leadership position.
- The effectiveness of the professional development provided by program.
- Placement rates, rehire rates, retention rates, and performance of program completers, including student achievement and other indicators of success at their assigned school.

In the last year of the approval cycle, the school district must submit a summary of this data to DOE for review. DOE must review the data and provide written verification of continued approval to the school district.<sup>29</sup>

### Effect of Proposed Changes

The bill establishes in law provisions regulating school leader preparation programs. Specifically, the bill requires DOE to establish a process for the approval of school leader preparation programs for purposes specified in the bill. The bill requires the department to establish an initial and continued approval process for Level I and Level II programs through which participants can become certified. Under the bill, Level I programs may be offered by school districts and other postsecondary institutions and Level II programs may be offered by school districts.

The bill provides for five-year initial and continued approval terms for Level I and Level II programs and establishes approval criteria as follows:

<sup>27</sup> Rule 6A-5.081(1)(e), F.A.C.

<sup>28</sup> Rule 6A-5.081(2)(a), F.A.C.

<sup>29</sup> Rule 6A-5.081(2)(d), F.A.C.

## *Level I Programs*

To receive **Initial Approval**, a Level I program must:

- Provide competency-based training aligned to the FPLS.
- If the program is provided by a postsecondary institution, partner with at least one school district.
- Describe the qualifications that will be used to determine program admission standards, including a candidate's instructional expertise and leadership potential.
- Describe how the training provided through the program will be aligned to personnel evaluation criteria.

The Criteria for **Continued Approval** of a Level I program are:

- The percentage of personnel who complete the program and are placed in school leadership positions in public schools within the state.
- Results from the personnel evaluations for personnel who complete the program.
- The passage rate of personnel who complete the program on the FELE.
- The impact personnel who complete the program have on student learning as measured by the formulas developed by the commissioner (i.e., value-added model (VAM) data).
- Strategies for continuous improvement of the program.
- Strategies for involving personnel who complete the program, other school personnel, community agencies, business representatives, and other stakeholders in the program evaluation process.
- Additional data included at the discretion of the program.

The bill requires Level I programs to submit to DOE an institutional program evaluation plan that incorporates the criteria for continued approval.

## *Level II Programs*

To receive **Initial or Continued Approval**, a Level II program must:

- Demonstrate that personnel accepted into the Level II program have:
  - Obtained their certificate in educational leadership.
  - Earned a highly effective or effective rating on their performance evaluation.
  - Satisfactorily performed instructional leadership responsibilities as measured by the school district's evaluation system.
- Demonstrate that the Level II program:
  - Provides competency-based training aligned to the FPLS.
  - Provides training aligned to the personnel evaluation criteria and the William Cecil Golden Professional Development Program for School Leaders.
  - Provides individualized instruction using a customized learning plan for each person enrolled in the program that is based on data from self-assessment, selection, and appraisal instruments.
  - Conducts program evaluations and implements program improvements using input from program completers and employers and using the same data points as is required for the continued approval of Level I programs.
- Gather and monitor the same data as is required for the continued approval of Level I programs.

The bill also requires a Level I program to guarantee the quality of its completers. Completers who earn an evaluation lower than "effective" in the first two years after completing the program or receiving their certificate must be provided additional training by the program and receive an individualized plan that includes specific learning outcomes. The bill provides that Level I programs are not responsible for a completer's employment contract with his or her employer.

The bill requires the state board to adopt rules for the approval process.

## **The Educational Certification and Service Trust Fund**

### Present Situation

With certain exemptions, the law appropriates to the General Revenue Fund an 8 percent service charge from all income of a revenue nature that is deposited into each state department-administered trust fund.<sup>30</sup> While many trust funds are expressly exempt from this appropriation, the law notwithstanding the exemption for trust funds that were subject to the service charge pursuant to s. 215.20 on January 1, 1990.<sup>31</sup>

Although the law generally exempts any trust fund administered by DOE from the service charge, the Educational Certification and Service Trust Fund is subject to the service charge because its exemption is nullified by the notwithstanding provision. The trust fund is the only fund administered by DOE that is subject to the General Revenue service charge.<sup>32</sup>

### Effect of Proposed Changes

The bill expressly states that the Education Certification and Service Trust Fund is not subject to the notwithstanding provision, thus exempting the trust fund from the service charge. This makes the trust fund consistent with all other trust funds administered by DOE. As a result, more resources can be used for activities related to educator certification.

## **Teacher Recruitment, Retention, and Assignment**

### Present Situation

The law requires DOE to sponsor a job fair each year to match in- and out-of-state educators and potential educators with teaching opportunities in Florida. The job fair must be held in a central part of the state and must be sponsored in cooperation with district personnel offices. DOE may collect a registration fee of no more than \$20 from participants and a booth fee of no more than \$250 per school district or other participating organization.<sup>33</sup>

Currently, there is no best practices community coordinated by DOE to help districts recruit educators and perform other human resources functions with updated knowledge.

Current law prohibits a school district from assigning to schools graded "D" or "F" a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, and out-of-field teachers.<sup>34</sup> Although the State Board of Education has rulemaking authority related to these teacher assignment provisions, it has not adopted any rules pursuant to its authority because districts are already implementing the requirements.

<sup>30</sup> See s. 215.20, F.S.

<sup>31</sup> Section 215.22(4), F.S.

<sup>32</sup> Staff of the Florida Department of Education, *2016 Agency Legislative Bill Analysis for HB 719* at 4 (2016). See s. 215.22(1)(j), F.S. (generally exempting trust funds administered by DOE from the service charge).

<sup>33</sup> Section 1012.05(4), F.S. Fee revenue must be used to promote and operate the fair and may be used to purchase promotional items such as mementos, awards, and plaques.

<sup>34</sup> Section 1012.2315(2), F.S.

### Effect of Proposed Changes

The bill allows, rather than requires, DOE to sponsor the centrally located job fair. In addition, the bill requires DOE to coordinate a best practice community to help school district personnel responsible for teacher recruitment and other human resources functions operate with the most up-to-date knowledge in these areas. The bill also deletes the state board's obsolete rulemaking authority related to teacher assignment.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 39.202, F.S.; authorizing certain employees or agents of the Department of Education to have access to certain reports and records.

Section 2. Amends s. 215.22, F.S.; providing that certain provisions do not apply to the Educational Certification and Service Trust Fund.

Section 3. Amends s. 1012.05, F.S.; authorizing rather than requiring the Department of Education to sponsor a job fair meeting certain criteria; requiring the department to coordinate a best practice community.

Section 4. Amends s. 1012.2315, F.S.; repealing State Board of Education rulemaking authority related to teacher assignment.

Section 5. Amends s. 1012.39, F.S.; providing requirements regarding liability insurance for students performing clinical field experience.

Section 6. Creates s. 1012.562, F.S.; requiring the department to approve school leader preparation programs; providing for approval; providing program requirements; providing for rulemaking.

Section 7. Amends s. 1012.75, F.S.; deleting the minimum required amount of liability coverage for specified personnel; requiring annual notification of liability insurance to specified personnel; abrogating the scheduled expiration of the educator liability insurance program.

Section 8. Amends s. 1012.79, F.S.; revising membership of the Education Practices Commission; authorizing the Commissioner of Education to appoint emeritus members to the commission.

Section 9. Amends s. 1012.796, F.S.; authorizing the commissioner to issue a letter of guidance in response to a complaint against a certified teacher or administrator.

Section 10. Provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

The bill eliminates the General Revenue service charge on the fees that support the Education Certification and Service Trust Fund, increasing the amount of revenues by approximately \$600,000.

##### **2. Expenditures:**

Funds may be saved if DOE elects not to hold the job fair in favor of other, more efficient recruitment activities.

Funding for the educator liability insurance program is subject to appropriation in the General Appropriations Act (GAA). For 2015-16, \$1.2 million was included in the GAA to fund the educator professional liability insurance program.

DOE estimates \$4,750 in annual travel expenses for emeritus members appointed to the EPC.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

See FISCAL IMPACT ON STATE GOVERNMENT, *supra*.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the State Board of Education to adopt rules relating to school leader preparation programs and deletes obsolete rulemaking authority related to teacher assignment.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 13, 2016, the K-12 Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The first amendment provides the Department of Education access to information reported to the Central Abuse Hotline when investigating allegations against certified educators. The second amendment eliminates obsolete State Board of Education rulemaking authority related to teacher assignment.

The bill analysis is drafted to the committee substitute as reported favorably by the K-12 Subcommittee.

1                                   A bill to be entitled  
 2       An act relating to education personnel; amending s.  
 3       39.201, F.S.; authorizing certain information to be  
 4       used for educator certification discipline and review;  
 5       amending s. 39.202, F.S.; authorizing certain  
 6       employees or agents of the Department of Education to  
 7       have access to certain reports and records; amending  
 8       s. 215.22, F.S.; providing that certain provisions do  
 9       not apply to the Educational Certification and Service  
 10      Trust Fund; amending s. 1012.05, F.S.; authorizing  
 11      rather than requiring the Department of Education to  
 12      sponsor a job fair meeting certain criteria; requiring  
 13      the department to coordinate a best practice  
 14      community; amending s. 1012.2315, F.S.; eliminating  
 15      State Board of Education rulemaking authority for  
 16      certain teacher assignments; amending s. 1012.39,  
 17      F.S.; providing requirements regarding liability  
 18      insurance for students performing clinical field  
 19      experience; creating s. 1012.562, F.S.; requiring the  
 20      department to approve school leader preparation  
 21      programs; providing for approval; providing program  
 22      requirements; providing for rulemaking; amending s.  
 23      1012.75, F.S.; deleting the minimum required amount of  
 24      liability coverage for specified personnel; requiring  
 25      annual notification of liability insurance to  
 26      specified personnel; abrogating the scheduled

27 expiration of the educator liability insurance  
28 program; amending s. 1012.79, F.S.; revising  
29 membership of the Education Practices Commission;  
30 authorizing the Commissioner of Education to appoint  
31 emeritus members to the commission; amending s.  
32 1012.796, F.S.; authorizing the commissioner to issue  
33 a letter of guidance in response to a complaint  
34 against a certified teacher or administrator;  
35 providing an effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Subsection (6) of section 39.201, Florida  
40 Statutes, is amended to read:

41 39.201 Mandatory reports of child abuse, abandonment, or  
42 neglect; mandatory reports of death; central abuse hotline.—

43 (6) Information in the central abuse hotline may not be  
44 used for employment screening, except as provided in s.  
45 39.202(2)(a) and (h). Information in the central abuse hotline  
46 and the department's automated abuse information system may be  
47 used by the department, its authorized agents or contract  
48 providers, the Department of Health, or county agencies as part  
49 of the licensure or registration process pursuant to ss.  
50 402.301-402.319 and ss. 409.175-409.176. Pursuant to s.  
51 39.202(2)(q), the information in the central abuse hotline may  
52 also be used by the Department of Education for purposes of

53 educator certification discipline and review.

54 Section 2. Paragraphs (q), (r), and (s) of subsection (2)  
 55 of section 39.202, Florida Statutes, are redesignated as  
 56 paragraphs (r), (s), and (t), respectively, and a new paragraph  
 57 (q) is added to that subsection, to read:

58 39.202 Confidentiality of reports and records in cases of  
 59 child abuse or neglect.—

60 (2) Except as provided in subsection (4), access to such  
 61 records, excluding the name of the reporter which shall be  
 62 released only as provided in subsection (5), shall be granted  
 63 only to the following persons, officials, and agencies:

64 (q) An employee or agent of the Department of Education  
 65 who is responsible for the investigation or prosecution of  
 66 misconduct by a certified educator.

67 Section 3. Subsection (4) of section 215.22, Florida  
 68 Statutes, is amended to read:

69 215.22 Certain income and certain trust funds exempt.—

70 (4) Notwithstanding the exemptions granted in subsections  
 71 (1), (2), and (3), this section shall not exempt income of a  
 72 revenue nature or any trust fund which was subject to the  
 73 service charge pursuant to s. 215.20 on January 1, 1990. This  
 74 subsection does not apply to the Educational Certification and  
 75 Service Trust Fund.

76 Section 4. Subsection (4) of section 1012.05, Florida  
 77 Statutes, is amended to read:

78 1012.05 Teacher recruitment and retention.—

79 (4) The Department of Education, in cooperation with  
 80 district personnel offices, ~~may shall~~ sponsor a job fair in a  
 81 central part of the state to match in-state educators and  
 82 potential educators and out-of-state educators and potential  
 83 educators with teaching opportunities in this state. The  
 84 Department of Education is authorized to collect a job fair  
 85 registration fee not to exceed \$20 per person and a booth fee  
 86 not to exceed \$250 per school district or other interested  
 87 participating organization. The revenue from the fees shall be  
 88 used to promote and operate the job fair. Funds may be used to  
 89 purchase promotional items such as mementos, awards, and  
 90 plaques. The Department of Education shall also coordinate a  
 91 best practice community to ensure that school district personnel  
 92 responsible for teacher recruitment and other human resources  
 93 functions are operating with the most up-to-date knowledge.

94 Section 5. Paragraph (b) of subsection (2) of section  
 95 1012.2315, Florida Statutes, is amended to read:

96 1012.2315 Assignment of teachers.—

97 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

98 (b)1. Beginning July 1, 2014, a school district may assign  
 99 an individual newly hired as instructional personnel to a school  
 100 that has earned a grade of "F" in the previous year or any  
 101 combination of three consecutive grades of "D" or "F" in the  
 102 previous 3 years pursuant to s. 1008.34 if the individual:

103 a. Has received an effective rating or highly effective  
 104 rating in the immediate prior year's performance evaluation

105 pursuant s. 1012.34;

106 b. Has successfully completed or is enrolled in a teacher  
 107 preparation program pursuant to s. 1004.04, s. 1004.85, or s.  
 108 1012.56, or a teacher preparation program specified in State  
 109 Board of Education rule, is provided with high quality mentoring  
 110 during the first 2 years of employment, holds a certificate  
 111 issued pursuant to s. 1012.56, and holds a probationary contract  
 112 pursuant to s. 1012.335(2)(a); or

113 c. Holds a probationary contract pursuant to s.  
 114 1012.335(2)(a), holds a certificate issued pursuant to s.  
 115 1012.56, and has successful teaching experience, and if, in the  
 116 judgment of the school principal, students would benefit from  
 117 the placement of that individual.

118 2. As used in this paragraph, the term "mentoring"  
 119 includes the use of student achievement data combined with at  
 120 least monthly observations to improve the educator's  
 121 effectiveness in improving student outcomes. Mentoring may be  
 122 provided by a school district, a teacher preparation program  
 123 approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a  
 124 teacher preparation program specified in State Board of  
 125 Education rule.

126 ~~3. The State Board of Education shall adopt rules under~~  
 127 ~~ss. 120.536(1) and 120.54 to implement this paragraph.~~

128  
 129 Each school district shall annually certify to the Commissioner  
 130 of Education that the requirements in this subsection have been

131 met. If the commissioner determines that a school district is  
132 not in compliance with this subsection, the State Board of  
133 Education shall be notified and shall take action pursuant to s.  
134 1008.32 in the next regularly scheduled meeting to require  
135 compliance.

136 Section 6. Subsection (3) of section 1012.39, Florida  
137 Statutes, is amended to read:

138 1012.39 Employment of substitute teachers, teachers of  
139 adult education, nondegreed teachers of career education, and  
140 career specialists; students performing clinical field  
141 experience.-

142 (3) A student who is enrolled in a state-approved teacher  
143 preparation program in a postsecondary educational institution  
144 that is approved by rules of the State Board of Education and  
145 who is jointly assigned by the postsecondary educational  
146 institution and a district school board to perform a clinical  
147 field experience under the direction of a regularly employed and  
148 certified educator shall, while serving such supervised clinical  
149 field experience, be accorded the same protection of law as that  
150 accorded to the certified educator except for the right to  
151 bargain collectively as an employee of the district school  
152 board. The district school board providing the clinical field  
153 experience shall notify the student electronically or in writing  
154 of the availability of educator liability insurance under s.  
155 1012.75. A postsecondary educational institution or district  
156 school board may not require a student enrolled in a state-

157 approved teacher preparation program to purchase liability  
 158 insurance as a condition of participation in any clinical field  
 159 experience or related activity on the premises of an elementary  
 160 or secondary school.

161 Section 7. Section 1012.562, Florida Statutes, is created  
 162 to read:

163 1012.562 Public accountability and state approval of school  
 164 leader preparation programs.—The Department of Education shall  
 165 establish a process for the approval of Level I and Level II  
 166 school leader preparation programs that will enable aspiring  
 167 school leaders to obtain their certificate in educational  
 168 leadership under s. 1012.56. School leader preparation programs  
 169 must be competency-based, aligned to the principal leadership  
 170 standards adopted by the state board, and open to individuals  
 171 employed by public schools, including charter schools and virtual  
 172 schools. Level I programs may be offered by school districts or  
 173 postsecondary institutions and lead to initial certification in  
 174 educational leadership for the purpose of preparing individuals  
 175 to serve as school administrators. Level II programs may be  
 176 offered by school districts, build upon Level I training, and  
 177 lead to renewal certification as a school principal.

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

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

182 (b) Produce school leaders who are prepared to lead the

183 state's diverse student population in meeting high standards for  
 184 academic achievement.

185 (c) Enable school leaders to facilitate the development and  
 186 retention of effective and highly effective classroom teachers.

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

189 (e) Sustain the state system of school improvement and  
 190 education accountability.

191 (2) LEVEL I PROGRAMS.—

192 (a) Initial approval of a Level I program shall be for a  
 193 period of 5 years. A postsecondary institution or school  
 194 district may submit to the department in a format prescribed by  
 195 the department an application to establish a Level I school  
 196 leader preparation program. To be approved, a Level I program  
 197 must:

198 1. Provide competency-based training aligned to the  
 199 principal leadership standards adopted by the State Board of  
 200 Education.

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

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

206 4. Describe how the training provided through the program  
 207 will be aligned to the personnel evaluation criteria under s.  
 208 1012.34.

209 (b) Renewal of a Level I program's approval shall be for a  
210 period of 5 years and shall be based upon evidence of the  
211 program's continued ability to meet the requirements of  
212 paragraph (a). A postsecondary institution or school district  
213 must submit an institutional program evaluation plan in a format  
214 prescribed by the department for a Level I program to be  
215 considered for renewal. The plan must include:

216 1. The percentage of personnel who complete the program  
217 and are placed in school leadership positions in public schools  
218 within the state.

219 2. Results from the personnel evaluations required under  
220 s. 1012.34 for personnel who complete the program.

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

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

226 5. Strategies for continuous improvement of the program.

227 6. Strategies for involving personnel who complete the  
228 program, other school personnel, community agencies, business  
229 representatives, and other stakeholders in the program  
230 evaluation process.

231 7. Additional data included at the discretion of the  
232 postsecondary institution or school district.

233 (c) A Level I program must guarantee the high quality of  
234 personnel who complete the program for the first 2 years after

235 program completion or the person's initial certification as a  
236 school leader, whichever occurs first. If a person who completed  
237 the program is evaluated at less than highly effective or  
238 effective under s. 1012.34 and the person's employer requests  
239 additional training, the Level I program must provide additional  
240 training at no cost to the person or his or her employer. The  
241 training must include the creation of an individualized plan  
242 agreed to by the employer that includes specific learning  
243 outcomes. The Level I program is not responsible for the  
244 person's employment contract with his or her employer.

245 (3) LEVEL II PROGRAMS.—Initial approval and subsequent  
246 renewal of a Level II program shall be for a period of 5 years.  
247 A school district may submit to the department in a format  
248 prescribed by the department an application to establish a Level  
249 II school leader preparation program or for program renewal. To  
250 be approved or renewed, a Level II program must:

251 (a) Demonstrate that personnel accepted into the Level II  
252 program have:

253 1. Obtained their certificate in educational leadership  
254 under s. 1012.56.

255 2. Earned a highly effective or effective designation under  
256 s. 1012.34.

257 3. Satisfactorily performed instructional leadership  
258 responsibilities as measured by the evaluation system in s.  
259 1012.34.

260 (b) Demonstrate that the Level II program:

261        1. Provides competency-based training aligned to the  
 262 principal leadership standards adopted by the State Board of  
 263 Education.

264        2. Provides training aligned to the personnel evaluation  
 265 criteria under s. 1012.34 and professional development program  
 266 in s. 1012.986.

267        3. Provides individualized instruction using a customized  
 268 learning plan for each person enrolled in the program that is  
 269 based on data from self-assessment, selection, and appraisal  
 270 instruments.

271        4. Conducts program evaluations and implements program  
 272 improvements using input from personnel who completed the  
 273 program and employers and data gathered pursuant to paragraph  
 274 (2)(b).

275        (c) Gather and monitor the data specified in paragraph  
 276 (2)(b).

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

279        Section 8. Subsection (3) of section 1012.75, Florida  
 280 Statutes, is amended to read:

281        1012.75 Liability of teacher or principal; excessive  
 282 force.—

283        (3) The Department of Education shall administer an  
 284 educator liability insurance program, as provided in the General  
 285 Appropriations Act, to protect full-time instructional personnel  
 286 from liability for monetary damages and the costs of defending

287 actions resulting from claims made against the instructional  
288 personnel arising out of occurrences in the course of activities  
289 within the instructional personnel's professional capacity. For  
290 purposes of this subsection, the terms "full-time," "part-time,"  
291 and "administrative personnel" shall be defined by the  
292 individual district school board. For purposes of this  
293 subsection, the term "instructional personnel" has the same  
294 meaning as provided in s. 1012.01(2).

295 (a) Liability coverage ~~of at least \$2 million~~ shall be  
296 provided to all full-time instructional personnel. Liability  
297 coverage may be provided to the following individuals who choose  
298 to participate in the program, at cost: part-time instructional  
299 personnel, administrative personnel, and students enrolled in a  
300 state-approved teacher preparation program pursuant to s.  
301 1012.39(3).

302 (b) By August 1 of each year, the department shall notify  
303 the personnel specified in paragraph (a) of the pending  
304 procurement for liability coverage. By September 1 of each year,  
305 each district school board shall notify the personnel specified  
306 in paragraph (a) of the liability coverage provided pursuant to  
307 this subsection. The department shall develop the form of the  
308 notice which shall be used by each district school board. The  
309 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and  
310 include the amount of coverage, a general description of the  
311 nature of the coverage, and the contact information for coverage  
312 and claims questions. The notification shall be provided

313 separately from any other correspondence. Each district school  
314 board shall certify to the department, by September 15 of each  
315 year, that the notification required by this paragraph has been  
316 provided.

317 (c) The department shall consult with the Department of  
318 Financial Services to select the most economically prudent and  
319 cost-effective means of implementing the program through self-  
320 insurance, a risk management program, or competitive  
321 procurement.

322 ~~(d) This subsection expires July 1, 2016.~~

323 Section 9. Subsection (1) of section 1012.79, Florida  
324 Statutes, is amended to read:

325 1012.79 Education Practices Commission; organization.—

326 (1) The Education Practices Commission is composed  
327 ~~consists~~ of the following 25 members: 10, ~~including 8~~ teachers;  
328 5 administrators, at least one of whom represents ~~shall~~  
329 ~~represent~~ a private or virtual school; 4 ~~7~~ lay citizens who are  
330 ~~5 of whom shall be~~ parents of public school students and who are  
331 unrelated to public school employees; and 2 of whom shall be  
332 former charter school governing board or district school board  
333 members or former superintendents, assistant superintendents, or  
334 deputy superintendents; and 4 ~~5~~ sworn law enforcement officials,  
335 appointed by the State Board of Education from nominations by  
336 the Commissioner of Education and subject to Senate  
337 confirmation. Before ~~Prior to~~ making nominations, the  
338 commissioner shall consult with teaching associations, parent

339 organizations, law enforcement agencies, and other involved  
 340 associations in the state. In making nominations, the  
 341 commissioner shall attempt to achieve equal geographical  
 342 representation, as closely as possible.

343 (a) A teacher member, in order to be qualified for  
 344 appointment:

345 1. Must be certified to teach in the state.

346 ~~2. Must be a resident of the state.~~

347 ~~2.3.~~ Must have practiced the profession in this state for  
 348 at least 5 years immediately preceding the appointment.

349 (b) A school administrator member, in order to be  
 350 qualified for appointment:

351 1. Must have an endorsement on the educator certificate in  
 352 the area of school administration or supervision.

353 ~~2. Must be a resident of the state.~~

354 ~~2.3.~~ Must have practiced the profession as an  
 355 administrator for at least 5 years immediately preceding the  
 356 appointment.

357 ~~(e) The lay members must be residents of the state.~~

358 ~~(c)(d)~~ The law enforcement official members must have  
 359 served in the profession for at least 5 years immediately  
 360 preceding appointment and have background expertise in child  
 361 safety.

362 (d) The Commissioner of Education, upon request or  
 363 recommendation from the commission, may also appoint up to 5  
 364 emeritus members from the commission's prior membership to serve

365 1-year terms. Notwithstanding any prior service on the  
 366 commission, an emeritus member may serve up to five 1-year  
 367 terms. An emeritus member serves as a voting member at a  
 368 discipline hearing and as a consulting but nonvoting member  
 369 during a business meeting.

370 (e) All members must be residents of the state.

371 Section 10. Subsection (3) of section 1012.796, Florida  
 372 Statutes, is amended to read:

373 1012.796 Complaints against teachers and administrators;  
 374 procedure; penalties.-

375 (3) The department staff shall advise the commissioner  
 376 concerning the findings of the investigation. The department  
 377 general counsel or members of that staff shall review the  
 378 investigation and advise the commissioner concerning probable  
 379 cause or lack thereof. The determination of probable cause shall  
 380 be made by the commissioner. The commissioner shall provide an  
 381 opportunity for a conference, if requested, prior to determining  
 382 probable cause. The commissioner may enter into deferred  
 383 prosecution agreements in lieu of finding probable cause if, in  
 384 his or her judgment, such agreements are in the best interests  
 385 of the department, the certificateholder, and the public. Such  
 386 deferred prosecution agreements shall become effective when  
 387 filed with the clerk of the Education Practices Commission.  
 388 However, a deferred prosecution agreement may ~~shall~~ not be  
 389 entered into if there is probable cause to believe that a felony  
 390 or an act of moral turpitude, as defined by rule of the State

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391 Board of Education, has occurred. Upon finding no probable  
392 cause, the commissioner shall dismiss the complaint and may  
393 issue a letter of guidance to the certificateholder.

394 Section 11. This act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee  
3 Representative Spano offered the following:

4

5 **Amendment**

6 Remove lines 67-75

7

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Appropriations  
 2 Subcommittee

3 Representative Spano offered the following:

**Amendment (with title amendment)**

6 Remove line 295 and insert:

7 (a) Liability coverage of at least \$2 million shall be

8 -----  
 9 -----

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

11 Remove lines 23-24 and insert:

12 1012.75, F.S.; requiring



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 837 John M. McKay Scholarships for Students with Disabilities Program  
**SPONSOR(S):** Bileca  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1088

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	11 Y, 0 N	Dehmer	Healy
2) Education Appropriations Subcommittee		Seifert	Heflin
3) Education Committee			

### SUMMARY ANALYSIS

The John M. McKay Scholarship for Students with Disabilities Program (McKay Scholarship Program) provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. Currently, a McKay Scholarship student must have direct contact with his or her private school teacher at the school's physical location in order to maintain eligibility. The bill authorizes a private school to establish a transition-to-work program for students participating in the McKay Scholarship Program which will allow students to earn credits while working off-site.

The bill exempts foster children from the prior school year attendance requirement for determining eligibility.

The bill clarifies that McKay Scholarship payments are not subject to the 1.0 FTE cap so that scholarship payments are not reduced when McKay recipients take virtual courses.

Recipients of the McKay Scholarship are reported for funding in the Florida Education Finance Program (FEFP). Funds are then transferred to a private school for payment of the student's scholarship.

The fiscal impact of the bill is \$226,511 to remove the proration to each student's scholarship. This impact will result in a redistribution of FEFP funds when the students receiving McKay scholarships are reported for funding. *See Fiscal Comments.*

The bill provides an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **John M. McKay Scholarship Eligibility**

###### **Present Situation**

The McKay Scholarship Program provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; and other health impairments; an emotional or behavioral disability; a specific learning disability, including but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.<sup>1</sup>

A student with a disability may receive a McKay Scholarship to attend a public or private school if he or she has an Individual Education Plan (IEP) or a 504 plan<sup>2</sup> and:

- Received specialized instructional services under the Voluntary Prekindergarten Education Program<sup>3</sup> during the previous school year; or
- Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind.<sup>4</sup>

For purposes of scholarship eligibility, the term “prior school year in attendance” means the student was enrolled and reported by:

- A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the FEFP;
- The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or
- A school district for funding during the preceding October and February FEFP surveys and the student was at least 4 years old when enrolled and reported and eligible for services under the school attendance requirements for prekindergarten aged children with disabilities.<sup>5</sup>

A dependent child of a member of the United States Armed Forces who transfers to a Florida school from out of state or from a foreign country due to a parent's permanent change of station orders is exempt from the prior school year attendance requirements, but must meet all other eligibility requirements to participate in the McKay Scholarship Program, i.e., be diagnosed with an eligible disability and have an IEP or 504 plan.<sup>6</sup>

<sup>1</sup> Section 1002.39(1), F.S.

<sup>2</sup> A student's 504 plan must be at least 6 months in duration in order for the student to be eligible for a scholarship. Rule 6A-6.0970(1)(b)3., F.S.

<sup>3</sup> In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the Voluntary Prekindergarten Education (VPK) Program. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK Program and has a current IEP developed by the district school board. Section 1002.66, F.S.; see also s. 1002.53, F.S.

<sup>4</sup> Section 1002.39(2)(a), F.S.

<sup>5</sup> Section 1002.39(2)(a)2., F.S. Although not required to attend a public school, children with disabilities who have attained the age of 3 years are eligible for admission to public special education programs and related services. Section 1003.21(1)(e), F.S.

<sup>6</sup> Section 1002.39(2)(a), F.S. (flush left provision at the end of the paragraph).

A student is not eligible for a McKay Scholarship:

- While he or she is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;
- While he or she is receiving a Florida tax credit scholarship under s. 1002.395;
- While he or she is receiving an educational scholarship pursuant to this chapter;
- While he or she is participating in a home education program as defined in s. 1002.01(1);
- While he or she is participating in a private tutoring program pursuant to s. 1002.43;
- While he or she is participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;
- While he or she is enrolled in the Florida School for the Deaf and the Blind;
- If he or she has been issued a temporary 504 accommodation plan under s. 504 of the Rehabilitation Act of 1973 which is valid for 6 months or less;<sup>7</sup> or
- While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location.

Currently, state funding per student may not exceed 1.0 FTE, including traditional and virtual courses. If a student's course load exceeds 1.0 FTE, the funding for each course shall be reduced proportionately to equal 1.0 FTE.<sup>8</sup> Consequently, although McKay students are authorized to take up to two virtual courses, the scholarship amount is being reduced in order to comply with the 1.0 FTE requirement.

### **Effect of Proposed Changes**

The bill authorizes a private school to establish a transition-to-work program for private school students participating in the McKay Scholarship Program which will allow students to earn credits while working off-site. The transition-to-work program consists of academic instruction, work skills training and a volunteer or paid work experience. Students participating in the transition-to-work program must be between 17 and 22 years of age and cannot have a high school diploma or equivalent certificate.

To offer a transition-to-work program, a private school must:

- Develop a transition-to-work program plan that includes a description of the academic instruction and work skills training the students will receive.
- Submit a transition-to-work program plan to the Office of Independent Education and Parental Choice.
- Develop a personalized transition-to-work program plan for each student in the program, which must be signed by the student, the student's parent, and the school principal, and must be submitted to the Office of Independent Education and Parental Choice upon request.
- Provide a liability release form signed by the student, the student's parent, and the business offering the work experience.
- Assign a case manager to visit the student's job site on a weekly basis, observe the student, and, provide support.
- Provide to the student and parent a quarterly report documenting the student's progress and performance.
- Maintain accurate attendance and performance records for the student.

A student enrolled in a transition-to-work program must receive 15 hours of academic instruction and work skills training at a private school. The student must also participate in 10 hours of work at the

<sup>7</sup> Section 1002.39(3), F.S.

<sup>8</sup> Section 1011.61(4)(a), F.S.

student's work experience program. Consequently, the student does not need to have regular and direct contact with the teacher at the private school's physical location.

To participate in a transition-to work-program, a business must maintain and provide accurate records of the student's performance and hours worked and comply with all state and federal child labor laws.

The bill clarifies that McKay Scholarship payments are not subject to the 1.0 FTE cap so that scholarship payments are not reduced when McKay recipients take virtual courses.

The bill exempts foster children from the prior school year attendance requirement for determining eligibility.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities.

**Section 2.** Amends s. 1011.61, F.S., relating to Definitions.

**Section 3.** Provides an effective date of July 1, 2016.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

At the time of this analysis, approximately 43 McKay Scholarship FTE completed a course through the Florida Virtual School, at a cost of \$5,230 per FTE. This resulted in a reduction of \$226,511 in McKay Scholarships. Removing the requirement for the proration of McKay Scholarship FTE will result in \$226,511 in McKay Scholarship payments for students completing Florida Virtual School courses being paid out of the Florida Education Finance Program (FEFP).

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

Not applicable. This bill does not appear to affect county or municipal governments.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

1 A bill to be entitled

2 An act relating to the John M. McKay Scholarships for  
3 Students with Disabilities Program; amending s.  
4 1002.39, F.S.; exempting a foster child from specified  
5 eligibility provisions; providing that a student  
6 enrolled in a transition-to-work program is eligible  
7 for a John M. McKay Scholarship; creating a  
8 transition-to-work program for specific students  
9 enrolled in the John M. McKay Scholarships for  
10 Students with Disabilities Program; providing program  
11 requirements; providing participation requirements for  
12 students, schools, and businesses; exempting a John M.  
13 McKay Scholarship award from a specified funding  
14 calculation; amending s. 1011.61, F.S.; exempting a  
15 John M. McKay Scholarship award from a specified  
16 funding calculation for purposes of the Florida  
17 Education Finance Program; providing an effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsections (10) through (13) of section  
23 1002.39, Florida Statutes, are renumbered as subsections (11)  
24 through (14), respectively, paragraph (a) of subsection (2),  
25 paragraph (h) of subsection (3), paragraph (b) of subsection  
26 (8), and paragraph (a) of present subsection (10) are amended,

27 and a new subsection (10) is added to that section, to read:

28       1002.39 The John M. McKay Scholarships for Students with  
29 Disabilities Program.—There is established a program that is  
30 separate and distinct from the Opportunity Scholarship Program  
31 and is named the John M. McKay Scholarships for Students with  
32 Disabilities Program.

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

37       (a) The student has:

38       1. Received specialized instructional services under the  
39 Voluntary Prekindergarten Education Program pursuant to s.  
40 1002.66 during the previous school year and the student has a  
41 current individual educational plan developed by the local  
42 school board in accordance with rules of the State Board of  
43 Education for the John M. McKay Scholarships for Students with  
44 Disabilities Program or a 504 accommodation plan has been issued  
45 under s. 504 of the Rehabilitation Act of 1973; or

46       2. Spent the prior school year in attendance at a Florida  
47 public school or the Florida School for the Deaf and the Blind.  
48 For purposes of this subparagraph, prior school year in  
49 attendance means that the student was enrolled and reported by:

50       a. A school district for funding during the preceding  
51 October and February Florida Education Finance Program surveys  
52 in kindergarten through grade 12, which includes time spent in a

53 Department of Juvenile Justice commitment program if funded  
54 under the Florida Education Finance Program;

55 b. The Florida School for the Deaf and the Blind during  
56 the preceding October and February student membership surveys in  
57 kindergarten through grade 12; or

58 c. A school district for funding during the preceding  
59 October and February Florida Education Finance Program surveys,  
60 was at least 4 years of age when so enrolled and reported, and  
61 was eligible for services under s. 1003.21(1)(e).

62

63 However, a foster child or a dependent child of a member of the  
64 United States Armed Forces who transfers to a school in this  
65 state from out of state or from a foreign country due to a  
66 parent's permanent change of station orders is exempt from this  
67 paragraph but must meet all other eligibility requirements to  
68 participate in the program.

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

71 (h) While he or she is not having regular and direct  
72 contact with his or her private school teachers at the school's  
73 physical location unless he or she is enrolled in the private  
74 school's transition-to-work program pursuant to subsection (10);

75 or

76 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
77 eligible to participate in the John M. McKay Scholarships for  
78 Students with Disabilities Program, a private school may be

79 | sectarian or nonsectarian and must:

80 |       (b) Provide to the department all documentation required  
81 | for a student's participation, including the private school's  
82 | and student's fee schedules, at least 30 days before any  
83 | quarterly scholarship payment is made for the student pursuant  
84 | to paragraph (11)(e) ~~(10)(e)~~. A student is not eligible to  
85 | receive a quarterly scholarship payment if the private school  
86 | fails to meet this deadline.

87 |  
88 | The inability of a private school to meet the requirements of  
89 | this subsection shall constitute a basis for the ineligibility  
90 | of the private school to participate in the scholarship program  
91 | as determined by the department.

92 |       (10) TRANSITION-TO-WORK PROGRAM.—A student participating  
93 | in the John M. McKay Scholarships for Students with Disabilities  
94 | Program who is at least 17 years, but not older than 22 years,  
95 | of age and who has not received a high school diploma or  
96 | certificate of completion is eligible for enrollment in his or  
97 | her private school's transition-to-work program. A transition-  
98 | to-work program shall consist of academic instruction, work  
99 | skills training, and a volunteer or paid work experience.

100 |       (a) To offer a transition-to-work program, a participating  
101 | private school must:

102 |       1. Develop a transition-to-work program plan, which must  
103 | include a written description of the academic instruction and  
104 | work skills training students will receive and the goals for

105 students in the program.

106 2. Submit the transition-to-work program plan to the  
107 Office of Independent Education and Parental Choice.

108 3. Develop a personalized transition-to-work program plan  
109 for each student enrolled in the program. The student's parent,  
110 the student, and the school principal must sign the personalized  
111 plan. The personalized plan must be submitted to the Office of  
112 Independent Education and Parental Choice upon request by the  
113 office.

114 4. Provide a release of liability form that must be signed  
115 by the student's parent, the student, and a representative of  
116 the business offering the volunteer or paid work experience.

117 5. Assign a case manager or job coach to visit the  
118 student's job site on a weekly basis to observe the student and,  
119 if necessary, provide support and guidance to the student.

120 6. Provide to the parent and student a quarterly report  
121 that documents and explains the student's progress and  
122 performance in the program.

123 7. Maintain accurate attendance and performance records  
124 for the student.

125 (b) A student enrolled in a transition-to-work program  
126 must, at a minimum:

127 1. Receive 15 instructional hours at the private school's  
128 physical facility, which must include academic instruction and  
129 work skills training.

130 2. Participate in 10 hours of work at the student's

131 | volunteer or paid work experience.

132 | (c) To participate in a transition-to-work program, a  
 133 | business must:

134 | 1. Maintain an accurate record of the student's  
 135 | performance and hours worked and provide the information to the  
 136 | private school.

137 | 2. Comply with all state and federal child labor laws.

138 | (11)(10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

139 | (a)1. The maximum scholarship granted for an eligible  
 140 | student with disabilities shall be equivalent to the base  
 141 | student allocation in the Florida Education Finance Program  
 142 | multiplied by the appropriate cost factor for the educational  
 143 | program that would have been provided for the student in the  
 144 | district school to which he or she was assigned, multiplied by  
 145 | the district cost differential.

146 | 2. In addition, a share of the guaranteed allocation for  
 147 | exceptional students shall be determined and added to the amount  
 148 | in subparagraph 1. The calculation shall be based on the  
 149 | methodology and the data used to calculate the guaranteed  
 150 | allocation for exceptional students for each district in chapter  
 151 | 2000-166, Laws of Florida. Except as provided in subparagraphs

152 | 3. and 4., the calculation shall be based on the student's  
 153 | grade, matrix level of services, and the difference between the  
 154 | 2000-2001 basic program and the appropriate level of services  
 155 | cost factor, multiplied by the 2000-2001 base student allocation  
 156 | and the 2000-2001 district cost differential for the sending

157 district. The calculated amount shall include the per-student  
158 share of supplemental academic instruction funds, instructional  
159 materials funds, technology funds, and other categorical funds  
160 as provided in the General Appropriations Act.

161 3. The scholarship amount for a student who is eligible  
162 under sub-subparagraph (2)(a)2.b. shall be calculated as  
163 provided in subparagraphs 1. and 2. However, the calculation  
164 shall be based on the school district in which the parent  
165 resides at the time of the scholarship request.

166 4. Until the school district completes the matrix required  
167 by paragraph (5)(b), the calculation shall be based on the  
168 matrix that assigns the student to support Level I of service as  
169 it existed prior to the 2000-2001 school year. When the school  
170 district completes the matrix, the amount of the payment shall  
171 be adjusted as needed.

172 5. The scholarship amount for a student eligible under s.  
173 504 of the Rehabilitation Act of 1973 shall be based on the  
174 program cost factor the student currently generates through the  
175 Florida Education Finance Program.

176 6. The scholarship amount granted for an eligible student  
177 with disabilities is not subject to the maximum value for  
178 funding a student under s. 1011.61(4).

179 Section 2. Subsection (4) of section 1011.61, Florida  
180 Statutes, is amended to read:

181 1011.61 Definitions.—Notwithstanding the provisions of s.  
182 1000.21, the following terms are defined as follows for the

183 purposes of the Florida Education Finance Program:

184 (4) The maximum value for funding a student in  
185 kindergarten through grade 12 or in a prekindergarten program  
186 for exceptional children as provided in s. 1003.21(1)(e) shall  
187 be the sum of the calculations in paragraphs (a), (b), and (c)  
188 as calculated by the department.

189 (a) The sum of the student's full-time equivalent student  
190 membership value for the school year or the equivalent derived  
191 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-  
192 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and  
193 subsection (2). If the sum is greater than 1.0, the full-time  
194 equivalent student membership value for each program or course  
195 shall be reduced by an equal proportion so that the student's  
196 total full-time equivalent student membership value is equal to  
197 1.0.

198 (b) If the result in paragraph (a) is less than 1.0 full-  
199 time equivalent student and the student has full-time equivalent  
200 student enrollment pursuant to sub-sub-subparagraph  
201 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the  
202 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of  
203 1.0 less the value in paragraph (a).

204 (c) The full-time equivalent student enrollment value in  
205 sub-subparagraph (1)(c)2.a.

206  
207 A scholarship award provided to a student enrolled in the John  
208 M. McKay Scholarships for Students with Disabilities Program

209 | pursuant to s. 1002.39 is not subject to the maximum value for  
210 | funding a student under this subsection.

211 |       Section 3. This act shall take effect July 1, 2016.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1171 Interstate Compact on Educational Opportunity for Military Children  
**SPONSOR(S):** Perry and others  
**TIED BILLS:** IDEN./SIM. BILLS: SB 7016

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Appropriations Subcommittee		Dobson <i>MDJ</i>	Heflin <i>(Signature)</i>
2) Education Committee			

**SUMMARY ANALYSIS**

In 2008, the Florida Legislature enacted the Interstate Compact on Educational Opportunity for Military Children. (Compact) The purpose of the Compact is to enable 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. All 50 states and the District of Columbia are Compact members.

The Compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the Compact. The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. Among other things, the Commission may adopt and enforce compact rules which govern member states in the areas addressed by the Compact. Compact rules supersede conflicting member state laws to the extent necessary to accomplish the purposes of the compact.

Since enactment in 2008, Florida's Compact legislation has included a repeal provision which requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature. Because Compact membership entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. The Legislature last reauthorized the Compact in 2013 and provided for repeal of the compact on April 11, 2016.

The bill reauthorizes Florida's compact legislation and adds a new automatic repeal provision, effective three years after the bill becomes law. The bill also specifies that compact dues are to be paid from existing resources within the Department of Education. (DOE)

The bill does not appear to have a fiscal impact on local governments. (See Fiscal Comments).

The bill takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

###### **Background**

Children in active-duty military families face unique educational challenges. The average military child transfers to a different state or school district six to nine times during kindergarten through grade 12. When a parent is reassigned, military children may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- The need to appoint temporary guardians while the child's parent is deployed.<sup>1</sup>

The Interstate Compact on Educational Opportunity for Military Children assists member states in uniformly addressing educational transition issues faced by active-duty military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and graduation. The compact was developed by the Council of State Governments, in cooperation with the U.S. Department of Defense.<sup>2</sup>

States join the compact by enacting it into law, which Florida did during the 2008 General Session.<sup>3</sup> Ten states must enact the compact before it can take effect and be binding on member states. This occurred on Delaware became the tenth state to adopt the compact on July 9, 2008.<sup>4</sup> Currently, all 50 states and the District of Columbia are Compact members.<sup>5</sup>

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission may adopt and enforce rules and bylaws and perform various administrative functions necessary for day-to-day operation.<sup>6</sup> The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. Each state is entitled to one vote on compact rule adoption or other business matters.<sup>7</sup> The Commission must meet at least once per year.<sup>8</sup>

###### **Compact Rule Adoption**

The Commission is authorized to promulgate compact rules which govern member states in areas addressed by the compact. Compact rules have the force and effect of statutory law in member

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<sup>1</sup> Council of State Governments, *Interstate Compact on Educational Opportunity for Military Children: Legislative Resource Kit*, at 6-7 (Jan. 2011), available at <http://www.mic3.net/pages/commissioners/documents/2011LegislativeResourceKit-Final.pdf>.

<sup>2</sup> *Id.* at 7-10

<sup>3</sup> Chapter 2008-225, L.O.F.; CS/HB 1203 (2008); ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S.

<sup>4</sup> Article XV, s. B. of the Compact, s. 1000.36, F.S.; 76 Del. Laws 327 (2008).

<sup>5</sup> Military Interstate Children's Compact Commission, *Member States Map* (2016), available at [http://mic3.net/pages/contact/documents/MIC3\\_50states.pdf](http://mic3.net/pages/contact/documents/MIC3_50states.pdf)

<sup>6</sup> Article X, of the Compact, s. 1000.36, F.S.

<sup>7</sup> Article IX, s. B. of the Compact, s. 1000.36, F.S.

<sup>8</sup> Article IX, s. D. of the Compact, s. 1000.36, F.S.

states and supersede conflicting member state laws to the extent of the conflict.<sup>9</sup> Compact rules must not exceed the scope of authority granted by Compact. A majority of member state legislatures may invalidate a compact rule by legislative action.<sup>10</sup>

Since enactment in 2008, Florida's Compact legislation has included a repeal provision which requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature.<sup>11</sup> The repeal provision addresses concerns regarding unconstitutional delegation of legislative authority under Article II, s. 3, of the Florida Constitution.<sup>12</sup> Because membership in the compact entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the intervening period.

The Legislature last reauthorized the compact in 2013, and provided for repeal of the compact three years after enactment, on April 11, 2016.<sup>13</sup> The compact has not amended any of its rules since the last time the legislature reauthorized the Compact in 2013.

### **Effect of Proposed Changes**

The bill reauthorizes Florida's compact legislation and adds a new automatic repeal provision, effective July 1, 2019. The bill also creates s. 1000.361, F.S, which specifies that the annual dues assessment for the compact shall be paid within existing resources by the Department of Education.

#### **B. SECTION DIRECTORY:**

**Section 1.** Creates s. 1000.361, providing that Compact dues will be paid with existing resources from the Department of Education (DOE).

**Section 2.** Repeals ss. 1000.36, 1000.361, 1000.38, and 1000.39, F.S., the "Interstate Compact on Educational Opportunity for Military Children, on July 1, 2019, unless reviewed and reenacted by the Legislature.

**Section 3.** Repeals s. 2, ch. 2013-20, L.O.F., which provides for automatic repeal of the compact legislation.

**Section 4.** Provides that the bill takes effect on April 9, 2016, or, if enacted thereafter, applies retroactively from that date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

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<sup>9</sup> Article X, s. B. and XVIII, s. B. of the Compact, s. 1000.36, F.S.

<sup>10</sup> Article XII of the Compact, s. 1000.36, F.S.

<sup>11</sup> See, e.g., s. 3, ch. 2010-52, L.O.F.

<sup>12</sup> Article II, s. 3 of the Florida Constitution provides for separation of powers among the executive, legislative, and judicial branches of state government. Courts construing this provision have held that the Legislature, when delegating the administration of legislative programs to executive agencies or other entities, must establish minimal standards and guidelines ascertainable by reference to the legislation creating the program. See *Avatar Development Corp. v. State*, 723 So.2d 199 (Fla. 1998).

<sup>13</sup> Sections 3 and 4, ch. 2010-152, L.O.F.

2. Expenditures:  
See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
None.
2. Expenditures:  
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The compact requires the Commission to levy membership dues from each member state to finance Commission operations and staffing.<sup>14</sup> Membership dues are based upon \$1 per dependent child of active-duty military personnel residing in a member state. There is a minimum dues obligation of \$2,000 and a maximum of \$60,000.<sup>15</sup> In 2012-2013, the legislature included a recurring appropriation of \$42,813 within the GAA to pay Compact dues.<sup>16</sup> According to the DOD, the projected number of children of active-duty military personnel living in Florida in 2017 is 39,985.<sup>17</sup>

The Commission has authority to impose sanctions against member states that fail to pay annual membership dues, including suspending or terminating a state's membership or imposing reasonable damages or costs. The Commission, by majority vote, may sue a member state in federal court for failure to pay membership dues. Costs and attorney fees must be awarded to the prevailing party.<sup>18</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:  
Not Applicable. This bill does not appear to affect county or municipal governments.
2. Other:

The Florida Supreme Court has held that prospectively adopting rules not yet promulgated by federal administrative bodies is an unconstitutional delegation of legislative authority.<sup>19</sup> However, there is no binding Florida case law that addresses this issue in the context of interstate compacts.<sup>20</sup>

<sup>14</sup> Article XIV of the Compact, s. 1000.36, F.S.

<sup>15</sup> Section 2.102, Interstate Commission Rules.

<sup>16</sup> Ch. 2015-232, Laws of Florida.

<sup>17</sup> Email from DOE dated 12/01/2015, on file with House Education Appropriations Committee Staff.

<sup>18</sup> Article XIII, s. D.-I. of the Compact, s. 1000.36, F.S.

<sup>19</sup> *Freimuth v. State*, 272 So.2d 473, 476 (Fla. 1972); *Fla. Indus. Commission v. State ex rel. Orange State Oil Co.*, 21 So.2d 599, 603 (Fla. 1945).

<sup>20</sup> A First District Court of Appeals opinion construing the provisions of the Interstate Compact on the Placement of Children mentions this issue in a footnote but the court did not rule on the merits. *Department of Children and Family Services v. L.G.*, 801 So.2d 1047, 1052 (Fla. 1st DCA 2001).

To address concerns regarding delegation of legislative authority, the bill provides for automatic repeal of Florida's compact legislation three years after the bill takes effect, unless reauthorized by the Legislature. The repeal provision allows the Legislature to determine whether it agrees with any new compact rules or rule amendments adopted during the three year period and consider reauthorization of the compact. Periodic Reauthorization accounts for any new compact rules and amendments adopted by the Commission since the last reauthorization, thereby avoiding a claim that the Legislature has agreed to be bound by compact rules not yet promulgated.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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A bill to be entitled  
 An act relating to the Interstate Compact on  
 Educational Opportunity for Military Children;  
 creating s. 1000.361, F.S.; providing for payment of  
 annual dues for the compact; creating s. 1000.40,  
 F.S.; providing for future repeal of ss. 1000.36,  
 1000.361, 1000.38, and 1000.39, F.S., relating to the  
 compact; repealing s. 2 of chapter 2013-20, Laws of  
 Florida; abrogating the future repeal of ss. 1000.36,  
 1000.38, and 1000.39, F.S., relating to the compact;  
 providing for contingent retroactive operation;  
 providing effective dates.

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

Section 1. Effective July 1, 2016, section 1000.361,  
 Florida Statutes, is created to read:

1000.361 Dues for the Interstate Compact on Educational  
 Opportunity for Military Children.—The annual dues assessment  
 for the Interstate Compact on Educational Opportunity for  
 Military Children shall be paid within existing resources by the  
 Department of Education.

Section 2. Effective July 1, 2016, section 1000.40,  
 Florida Statutes, is created to read:

1000.40 Future repeal of the Interstate Compact on  
 Educational Opportunity for Military Children.—Sections 1000.36,

27 1000.361, 1000.38, and 1000.39 shall stand repealed on July 1,  
28 2019, unless reviewed and saved from repeal through reenactment  
29 by the Legislature.

30 Section 3. Section 2 of chapter 2013-20, Laws of Florida,  
31 is repealed.

32 Section 4. Except as otherwise expressly provided in this  
33 act, this act shall take effect April 9, 2016, or if this act  
34 fails to become law until after that date, it shall take effect  
35 upon becoming a law and operate retroactively to April 9, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7043      PCB EDC 16-03      Education  
**SPONSOR(S):** Education Committee, Fresen  
**TIED BILLS:**            **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee	14 Y, 3 N	Bishop	Mizereck
1) Education Appropriations Subcommittee		deNagy <i>W</i>	Heflin <i>(PH)</i>

### SUMMARY ANALYSIS

The bill maintains the following programs created in the 2015-2016 General Appropriations Act by:

- Requiring the Board of Governors (BOG) to adopt a regulation implementing the State University System Performance-Based Incentive Program. The program must include wage thresholds that reflect the added value of a baccalaureate degree and minimum performance funding eligibility thresholds that, if not met, will make an institution ineligible for the state's investment in performance funding. Likewise, any institution that fails to meet the threshold for the institutional investment will have its entire institutional investment withheld. The ability for a state university to submit an improvement plan to the BOG, in an effort to restore its institutional investment, is limited to one fiscal year.
- Requiring the State Board of Education (SBE) to establish, by rule, performance-based metrics for the Florida College System that must include retention; program completion and graduation rates; postgraduation employment, salaries, and continuing education for workforce education and baccalaureate degree programs, with wage thresholds that reflect the added value of the certificate or degree; and outcome measures appropriate for associate degree recipients. The SBE must establish minimum performance funding eligibility thresholds that, if any FCS institution does not meet, will make the institution ineligible for a share of the state's investment in performance funding. Likewise, any FCS institution that fails to meet the threshold for the institutional investment shall have a portion of its institutional investment withheld. Each FCS institution's share of performance funding is calculated based on its relative performance on the established metrics in conjunction with the institution's size and scope.
- Eliminating the July 1, 2016, expiration date of the educator liability insurance program that provides a minimum of \$2 million in liability coverage for all full-time public school instructional personnel.
- Establishing, in law, the "Best and Brightest Teacher Scholarship Program" that provides \$10,000 to highly rated teachers who achieved certain ACT or SAT scores. Once a teacher is deemed eligible by the school district, including a teacher deemed eligible in the 2015-2016 fiscal year, the teacher remains eligible as long as he or she is employed by the school district and maintains a highly effective rating or, if a first-year teacher, is rated highly effective.

As part of the educator liability insurance program, the bill prohibits postsecondary educational institutions and school districts from requiring a student participating in a clinical field experience to purchase liability insurance as a condition of participation.

The bill also amends the Preeminent State Research Universities Program to require the Board of Governors to designate each state university that meets at least six of the 12 academic and research excellence standards identified in law as an "emerging preeminent state research university." The bill modifies the academic and research excellence standards of the preeminent state research universities program and establishes funding parameters for universities designated as "preeminent" or "emerging preeminent."

State University System Performance Funding, Florida College System Performance Funding, Preeminence and Emerging Preeminence funding are subject to appropriations in the General Appropriations Act. The 2015-16 GAA provides \$1.2 million in recurring General Revenue for the Educator Liability Insurance Program. The 2015-16 GAA provides \$44,022,483 in General Revenue, of which \$4,950,000 is recurring, for the Best and Brightest Teacher Scholarship Program. See fiscal comments.

The bill is effective July 1, 2016.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h7043.EDAS.DOCX

DATE: 12/16/2015

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **State University System Performance-Based Incentive**

###### Present Situation

During the 2012 Legislative Session, the Legislature adopted a performance funding model for the State University System (SUS) based on indicators of system and institutional attainment of performance expectations.<sup>1</sup> The Legislature appropriated SUS performance funding in the amount of \$15 million<sup>2</sup> in 2012, \$50 million<sup>3</sup> in 2013, and \$200 million<sup>4</sup> in 2014.

In 2014, the General Appropriations Act specified that performance funding (including \$100 million in new funding and \$100 million in funding redistributed from the base) be allocated based on the performance funding model adopted by the Board of Governors (BOG) on January 16, 2014.<sup>5</sup> The BOG model is based on four guiding principles:<sup>6</sup>

- Use metrics that align with Strategic Plan goals;
- Reward excellence or improvement;
- Have a few clear, simple metrics; and
- Acknowledge the unique mission of the different institutions.

In 2015, the Legislature appropriated \$400 million in performance funding to the State University System to be allocated based on indicators of institutional attainment of performance metrics adopted by the Board of Governors as updated by the Board on November 6, 2015.<sup>7</sup> The funds available for allocation to the universities based on the performance funding model consisted of the state's investment of \$150 million in performance funding plus an institutional investment of \$250 million to be redistributed from the base funding of the State University System.<sup>8</sup> Currently, the SUS Performance-Based Incentive is scheduled to expire on July 1, 2016.

The Board of Governors Performance Funding Model contains ten performance metrics that evaluate the state universities on the following:<sup>9</sup>

- Percent of bachelor's degree graduates employed and/or continuing their education 1 year after graduation.
- Median average full-time wages of undergraduates employed in Florida 1 year after graduation.
- Average cost per undergraduate degree to the institution.
- Six year graduation rate (full-time and part-time First-Time-In-College).
- Academic progress rate (2<sup>nd</sup> year retention with GPA above 2.0).
- Bachelor's degrees awarded in areas of strategic emphasis (includes STEM).
- University access rate (percent of undergraduates with a Pell Grant).

<sup>1</sup> Section 1011.905, F.S.

<sup>2</sup> Specific Appropriation 129, Ch. 2012-118, L.O.F.

<sup>3</sup> Specific Appropriation 142, Ch. 2013-40, L.O.F.

<sup>4</sup> Specific Appropriation 143, Ch. 2014-51, L.O.F.

<sup>5</sup> *Id.*

<sup>6</sup> Florida Board of Governors, *Performance Based Funding: hearing before the House Higher Education & Workforce Subcommittee* (October 6, 2015).

<sup>7</sup> Specific Appropriation 138, Ch. 2015-232, L.O.F.

<sup>8</sup> *Id.*

<sup>9</sup> Florida Board of Governors, *Performance Based Funding: hearing before the House Higher Education & Workforce Subcommittee* (October 6, 2015).

- Graduate degrees awarded in areas of strategic emphasis (includes STEM).
- Institution-specific metrics, including:
  - Board of Governors choice.
  - Board of Trustees choice .

Institutions receive scores on each metric based on the achievement of both excellence and improvement. The higher of the two scores for each metric is applied to the overall score for each institution. Any institution that fails to meet the Board's minimum performance funding threshold (a total score of less than 26 points) will not be eligible for the state's investment, will have a portion of its institutional investment withheld, and is required to submit an improvement plan that specifies the activities and strategies for improving its performance.<sup>10</sup> A state university is limited to submitting an improvement plan for only one fiscal year.

### Effect of Proposed Changes

The bill makes the State University System Performance-Based Incentive (Incentive) permanent by eliminating the July 1, 2016, statutory expiration date and requiring the Board of Governors to adopt a regulation. The bill modifies the Incentive by:

- Requiring the performance-based metrics to include wage thresholds that reflect the added value of a baccalaureate degree.
- Requiring the Board of Governors to establish minimum performance funding eligibility thresholds for both the state's investment and the institutional investment.
- Specifying that any institution that does not meet the BOG's performance threshold for the state's investment is not eligible for a share of the state's investment in performance funding.
- Requiring that any institution that fails to meet the BOG's performance threshold for the institutional investment shall have its entire institutional investment withheld (previous practice was to withhold a portion of the institutional investment).

Currently, the Incentive only allows an institution, in an effort to restore its institutional investment, to file an improvement plan with the BOG once during the fiscal year. This is consistent with the expiration of the Incentive each fiscal year. However, because the Incentive is made permanent by the bill, any university that falls below the minimum performance threshold in more than one fiscal year, will not be able to submit an improvement plan for restoration of its institutional (base funding) investment in subsequent years.

## **Florida College System Performance Funding**

### Present Situation

In the 2014 General Appropriations Act, the Legislature required the Commissioner of Education to, no later than December 31, 2014, recommend to the Governor, the President of the Senate and the Speaker of the House of Representatives a performance funding formula that may be used to allocate funds to Florida College System institutions.<sup>11</sup> The recommendations had to include up to 10 performance measures, appropriate performance benchmarks for each measure, and a detailed methodology for allocating performance funds to the colleges. More specifically, the measures were required to include, at a minimum, job placement rates, cost per degree, and graduation/retention rates. In addition, the performance benchmarks and allocation methodology was required to consider both effective performance and rates of improvement.<sup>12</sup>

<sup>10</sup> Specific Appropriation 138, Ch. 2015-232, L.O.F.

<sup>11</sup> Specific Appropriation 126, Ch. 2014-51, L.O.F.

<sup>12</sup> *Id.*

The Commissioner's original performance funding recommendation included nine measures<sup>13</sup>: job placement/continuing education, completion rates, retention rates, entry level wages, time to degree, cost per degree, credit milestone attainment, Pell Grant completion rates, and one institution specific measure determined by the Board of Trustees.<sup>14</sup> However, the 2015 Legislature appropriated \$40 million (\$20 million in new funding and \$20 million redistributed from the base) and required the State Board of Education (SBE) to allocate the funds based on a modified version of the Commissioner's recommended model, with measures limited to job placement, program completion and graduation rates, retention rates, and complete entry level wages.<sup>15</sup>

When the model was initially designed in 2014, all measures were worth 10 points, however, due to a realization that some data sources were less accessible than others, a decision was made by the State Board of Education to weigh some measures less than others. As a result, the measures relating to completion rates and retention rates have a maximum value of 10 points, the measure relating to job placement has a maximum value of 7.5 points, and the measure relating to entry level earnings has a maximum value of only 3 points (for a total of 30.5 possible points).<sup>16</sup> Points are earned either by meeting an excellence benchmark, which compares colleges against each other on a particular measure, or by meeting an improvement benchmark, based on the college's prior performance. A college's performance is calculated by using the higher score of the excellence and improvement benchmark scores on each measure and then doubling them.<sup>17</sup>

The State Board of Education was required to establish minimum performance thresholds in a manner to ensure that not all colleges are eligible for new funding. All institutions eligible for new funding will have their base funding restored. Any institution that fails to meet the Board's minimum performance threshold will have a portion of its base funding withheld and must submit an improvement plan that specifies activities and strategies for improving the institution's performance. If upon monitoring the institution's progress in implementing its improvement plan, the Board determines that satisfactory progress has been made, the institution may have its base funding restored. Any institution that does not meet satisfactory progress as, determined by the SBE, may not have its full based funding restored.<sup>18</sup>

On July 23, 2015, the State Board of Education adopted the 2015-16 Florida College System Performance Funding Model which separated colleges into three categories based on their scores achieved on each measure. The seven colleges with the highest point total are placed into the Gold category. All of these colleges have their base funding restored and are eligible to receive a proportionate share of performance funds. In addition, Gold Colleges receive a proportionate share of the performance dollars that would have been allocated to the colleges in the Bronze category. Colleges whose total scores are above one standard deviation below the mean, are placed into the Silver category. Silver Colleges have their base funding restored and receive a proportionate amount of performance funding. Colleges whose total scores fall more than one standard deviation below the mean are placed into the Bronze category. Bronze Colleges are not eligible to receive new funding, have a percentage of their based funding withheld, and must submit an improvement plan to the State Board of Education. Upon showing progress in implementing the plan, Bronze Colleges may have their base funding restored.<sup>19</sup>

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<sup>13</sup> State Board of Education, Board Meeting Action Item, *Approval of Performance Funding for the Florida College System* (July 23, 2015). Available at: <http://www.fldoe.org/contact-us/search.shtml?q=performance-funding>

<sup>14</sup> State of the Florida, *Legislative Bill Analysis for CS/CS/SB 948* (2015).

<sup>15</sup> Specific Appropriation 122, Ch. 2015-232, L.O.F.

<sup>16</sup> Florida Department of Education, *Florida College System Performance Funding: hearing before the House Higher Education & Workforce Subcommittee* (October 6, 2015).

<sup>17</sup> *Id.*

<sup>18</sup> Specific Appropriation 122, Ch. 2015-232, L.O.F.

<sup>19</sup> State Board of Education, Board Meeting Action Item, *Approval of Performance Funding for the Florida College System* (July 23, 2015). Available at: <http://www.fldoe.org/contact-us/search.shtml?q=performance-funding>

## Effect of Proposed Changes

The bill requires the State Board of Education to adopt rules implementing the Florida College System Performance Based Incentive. The bill:

- Modifies the performance-based metrics to specifically include metrics that measure retention; program completion and graduation rates; postgraduation employment, salaries, and continuing education for workforce education and baccalaureate degree programs, with wage thresholds that reflect the added value of the certificate or degree; and outcome measures appropriate for associate degree recipients.
- Requires the State Board of Education to establish minimum performance funding eligibility thresholds for both the state's investment and the institutional investment.
- Specifies that any institution that does not meet the SBE's performance threshold for the state's investment is not eligible for a share of the state's investment in performance funding.
- Specifies that each institution's share of performance funding shall be calculated based on its relative performance on the established metrics in conjunction with the institution's size and scope.
- Requires that any institution that fails to meet the SBE's performance threshold for the institutional investment shall have a portion of its institutional investment withheld.
- Requires the SBE, by October 1 of each year, to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the previous fiscal year's performance funding allocation which must reflect the rankings and award distributions.

## **Emerging Preeminence**

### Present Situation

In 2013, the Legislature created the Preeminent State Research Universities Program, a collaborative partnership between the Board of Governors (BOG) and the Legislature to raise the academic and research excellence and national preeminence of the highest performing state research universities in Florida.<sup>20</sup> The partnership was based on the March 24, 2010 State University System (SUS) Governance Agreement<sup>21</sup> that affirmed the commitment of the BOG and the Legislature to continue collaboration on accountability measures, the use of data, and recommendations derived from such data.

Effective July 1, 2013, the following academic and research excellence standards were established for the preeminent state universities program<sup>22</sup>:

1. An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher for fall semester incoming freshman, as reported annually.
2. A top 50 ranking on at least two well-known and highly respected national public university rankings, reflecting national preeminence, using most recent rankings.
3. A freshman retention rate of 90 percent or higher for full-time first-time-in-college students, as reported annually to the IPEDS.
4. A 6-year graduation rate of 70 percent or higher for full-time first-time-in-college students, as reported annually to the IPEDS.

<sup>20</sup> Section 1001.7065, Florida Statutes.

<sup>21</sup> Florida Legislature, *State University System Governance Agreement* (March 24, 2010); *See also* ch. 2010-78, L.O.F.; staff of the Florida House of Representatives, *Legislative Bill Analysis for 7237* (2010).

<sup>22</sup> Section 1001.7065, Florida Statutes.

5. Six or more faculty members at the state university who are members of a national academy, as reported annually by TARU annual report.
6. Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the NSF.
7. Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, as reported annually by the NSF.
8. A top 100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
9. One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.
10. Four hundred or more doctoral degrees awarded annually, as reported in the BOG Annual Accountability Report.
11. Two hundred or more post-doctoral appointees annually, as reported in the TARU annual report.
12. An endowment of \$500 million or more, as reported annually by the BOG Annual Accountability Report.

The Board of Governors shall designate each state university that meets at least 11 of the 12 academic and research excellence standards above as a "preeminent state research university."<sup>23</sup> Currently, the University of Florida and the Florida State University are designated as preeminent state research universities.

#### Effect of Proposed Changes

The bill modifies the academic and research excellence standards of the preeminent state research universities program in the following ways:

- Aligns the required average SAT score for incoming freshman with recent changes to the SAT examination scoring rubric;
- Specifies that the U.S. News and World Report rankings is one of the rankings that should be considered for the Top-50 Ranking requirement;
- Includes the official membership directories maintained by each national academy (in addition to the Top American Research Universities (TARU) annual report) as a source for verification of recognition of faculty members in a national academy; and
- Includes professional degrees awarded in medical and healthcare disciplines in the calculation of the number of doctoral degrees awarded annually.

Currently, each state university that meets at least 11 of the 12 academic and research excellence standards above is designated as a "preeminent state research university." The bill requires the Board of Governors to also designate each state university that meets at least six of the 12 academic and research excellence standards as an "emerging preeminent state research university." However, the Board of Governors may temporarily suspend or rescind the "preeminent" or "emerging preeminent" designation upon petition from a designated institution. The Board of Governors may also revoke either designation of an institution with concurrence of the Governor, the President of the Senate and the Speaker of the House of Representatives.

The bill requires a state university that is designated as an “emerging preeminent state research university” to submit to the BOG a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Once approved by the BOG and upon the university meeting the benchmark goals annually, the BOG shall award the university its proportional share of any funds provided annually in the GAA to support the program.

Unless otherwise specified in the GAA, funding increases appropriated to support the program must be distributed equally to each designated “preeminent state research university” and each university designated as an “emerging preeminent state research university” shall receive an amount equal to one-half of the total increased amount awarded to each designated “preeminent state research university.”

## **Educator Liability Insurance Program**

### Present Situation

Legislation passed in 2015 requires the Department of Education to administer a liability insurance program to protect public school educators from liability for claims arising from incidents occurring while performing job responsibilities.<sup>24</sup> The program must provide coverage amounting to \$2 million to all full-time instructional personnel.<sup>25</sup> Part-time instructional personnel, administrative personnel, and student teachers participating in clinical field experience through a state-approved teacher preparation program may opt to receive liability coverage, at cost.<sup>26</sup>

The law required the department, by August 1, 2015, to notify eligible personnel of the pending procurement for liability coverage. In addition, the law required each school district, by September 1, 2015, to notify eligible personnel of the liability coverage using a postcard which included:

- The amount of the coverage;
- A general description of the nature of the coverage; and
- The contact information for coverage and claims questions.<sup>27</sup>

The law required each district school board to certify to the department by September 15, 2015, that the district had provided the notification to the eligible personnel.<sup>28</sup>

The department must consult with the Department of Financial Services to select the “most economically prudent and cost-effective means of implementing the program through self-insurance, a risk management program, or competitive procurement.”<sup>29</sup>

The law establishing the educator liability insurance program will expire on July 1, 2016.<sup>30</sup>

### Effect of Proposed Changes

The bill makes the educator liability insurance program permanent by eliminating the July 1, 2016, statutory expiration date. The program requires the department and each school district to provide annual notification of the \$2 million insurance coverage to eligible personnel. District school boards must annually certify to the department that the notification has been provided.

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<sup>24</sup> See s. 1012.75(3), F.S., *as amended by* s. 10, ch. 2015-222, L.O.F.

<sup>25</sup> Section 1012.75(3)(a), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Section 1012.75(3)(b), F.S.

<sup>28</sup> *Id.*

<sup>29</sup> Section 1012.75(3)(c), F.S.

<sup>30</sup> Section 1012.75(3)(d), F.S.

In addition, the bill requires a district school board providing clinical field experience to students in teacher preparation programs to notify the student electronically or in writing of the availability of educator liability insurance. Postsecondary educational institutions and district school boards are prohibited from requiring a student in a teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience or related activity on the premises of an elementary or secondary school.

## Best and Brightest

### Present Situation

The 2015 General Appropriations Act (GAA) established the “Best and Brightest Teacher Scholarship Program” and appropriated \$44,022,483 to fund the program.<sup>31</sup> Under the program, up to 4,402 teachers who are rated “highly effective”<sup>32</sup> and who scored at or above the 80th percentile on either the SAT or the ACT at the time the assessment was taken can be provided a payment of \$10,000. First-year teachers who did not yet have an evaluation can qualify if they scored at or above the 80th percentile on the SAT or ACT at the time the assessment was taken.

To demonstrate eligibility for an award, an eligible teacher was required to submit to the school district, no later than October 1, 2015, an official record of his or her SAT or ACT score demonstrating that the teacher scored at or above the 80th percentile based upon the percentile ranks in effect when the teacher took the assessment.

By December 1, 2015, each school district, charter school governing board, and the Florida School for the Deaf and blind must submit to the department the number of eligible teachers who qualify for the award. By February 1, 2016, the department must disburse funds to each school district for each eligible teacher to receive the award. By April 1, 2016, each school district, charter school governing board, and the Florida School for the Deaf and the Blind must provide payment of the award to each eligible teacher. If the number of eligible teachers exceeds the total appropriated amount, then the department must prorate the per teacher award amount.<sup>33</sup>

As of December 21, 2015, the DOE has been able to validate 5,334 teachers in 64 of the 67 school districts and in 5 of the 7 special districts.<sup>34</sup>

01	Alachua	168
02	Baker	6
03	Bay	97
04	Bradford	5
05	Brevard	194
06	Broward	96
07	Calhoun	6
08	Charlotte	18
09	Citrus	79
10	Clay	168
11	Collier	32
12	Columbia	37
13	Dade	255

38	Levy	15
39	Liberty	4
40	Madison	8
41	Manatee	100
42	Marion	64
43	Martin	49
44	Monroe	33
45	Nassau	26
46	Okaloosa	108
47	Okeechobee	5
48	Orange	672
49	Osceola	89
50	Palm Beach	274

<sup>31</sup> Specific Appropriation 99A, s. 2, ch. 2015-232, L.O.F.

<sup>32</sup> As determined by the district evaluation system pursuant to s. 1012.34, F.S.

<sup>33</sup> Specific Appropriation 99A, s. 2, ch. 2015-232, L.O.F.

<sup>34</sup> Email, Florida Department of Education, Office of Governmental Relations (Dec. 21, 2015).

14	Desoto	3
15	Dixie	3
16	Duval	116
17	Escambia	48
18	Flagler	40
19	Franklin	0
20	Gadsden	8
21	Gilchrist	9
22	Glades	3
23	Gulf	25
24	Hamilton	0
25	Hardee	3
26	Hendry	12
27	Hernando	39
28	Highlands	3
29	Hillsborough	427
30	Holmes	2
31	Indian River	50
32	Jackson	5
33	Jefferson	0
34	Lafayette	11
35	Lake	31
36	Lee	112
37	Leon	165

51	Pasco	239
52	Pinellas	95
53	Polk	92
54	Putnam	30
55	St. Johns	99
56	St. Lucie	37
57	Santa Rosa	147
58	Sarasota	164
59	Seminole	305
60	Sumter	23
61	Suwannee	9
62	Taylor	2
63	Union	18
64	Volusia	62
65	Wakulla	46
66	Walton	15
67	Washington	3
68	FSDB	6
69	Washington Special	0
71	FLVS	189
72	FAU Lab Schools	9
73	FSU Lab Schools	4
74	FAMU Lab School	0
75	UF Lab School	17

### Effect of Proposed Changes

The bill codifies the "Best and Brightest Teacher Scholarship Program" into law. The bill maintains the same criteria a teacher must meet to qualify for an award, requires the department to continue administering the program, and establishes deadlines for reporting qualifying teachers and disbursing award payments annually. Once a teacher is deemed eligible by the school district, including a teacher deemed eligible in the 2015-2016 fiscal year, the teacher remains eligible as long as he or she is employed by the school district and maintains a highly effective rating or, if a first-year teacher, is rated highly effective. The bill authorizes funding for the program as provided in the GAA beginning with the 2016-2017 school year.

#### B. SECTION DIRECTORY:

**Section 1.** Creates s. 1001.66, F.S., establishing the Florida College System Performance-Based Incentive.

**Section 2.** Amends s. 1001.7065, F.S., revising the criteria for the preeminent state research universities program and establishing the "emerging preeminent state research university" designation.

**Section 3.** Amends s. 1001.92, F.S., revising the State University System Performance-Based Incentive.

**Section 4.** Amends s. 1012.39, F.S., prohibiting postsecondary educational institutions and district school boards from requiring a student in a teacher preparation program to purchase liability insurance

as a condition of participation in any clinical field experience or related activity on the premises of an elementary or secondary school.

**Section 5.** Creates s. 1012.731, F.S., establishing the Best and Brightest Teacher Scholarship Program.

**Section 6.** Amends s. 1012.75, F.S., repealing expiration date of the educator liability insurance program.

**Section 7.** Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

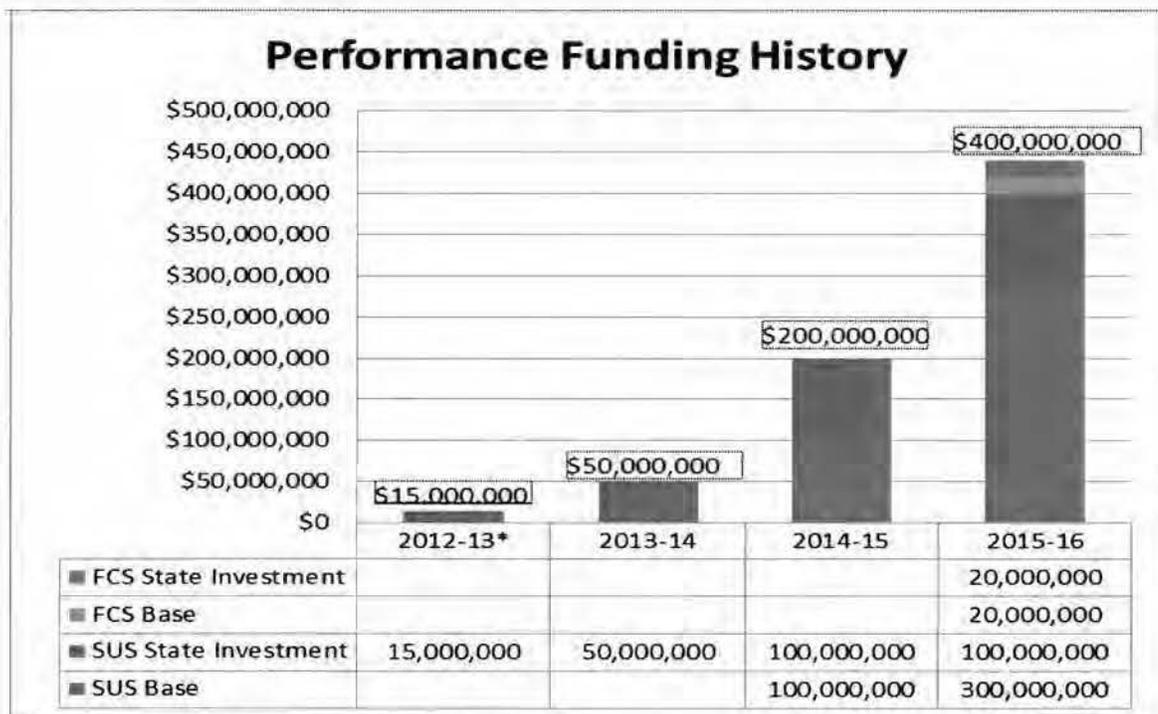
### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

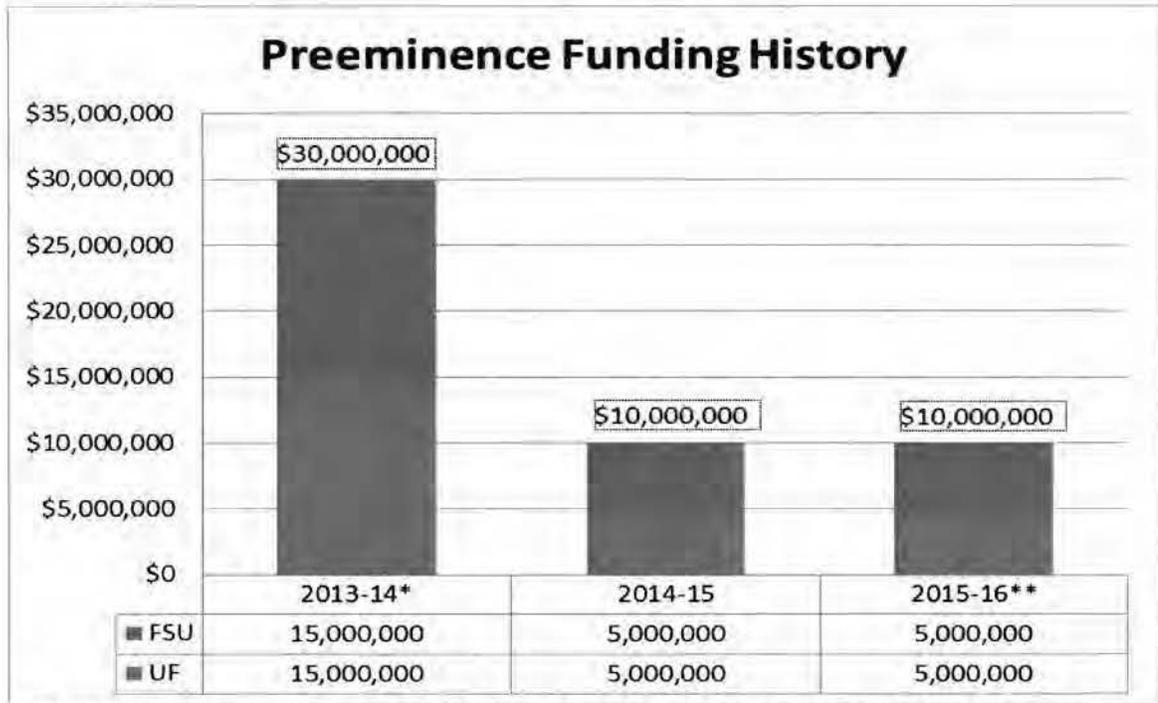
None.

2. Expenditures:

State University System Performance Funding, Florida College System Performance Funding, Preeminence and Emerging Preeminence funding are subject to appropriations in the General Appropriations Act. The legislature began appropriating general revenue for Performance Funding in Fiscal Year 2012-13; the state has invested a total of \$285,000,000 into Performance Based Funding for colleges and universities. The legislature began appropriating general revenue for Preeminent Universities (FSU and UF) in Fiscal Year 2013-14; the state has invested a total of \$50,000,000 into Preeminence Funding. The following charts show Performance Funding History and Preeminence Funding History.



\*FY 2012-13 funds were nonrecurring



\*In addition, UF received \$5 M for the Preeminent Institute for Online Learning.  
 \*\* \$3.4 M of the \$5 M appropriated is nonrecurring.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:  
None.
2. Expenditures:  
None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

The 2015-16 GAA provides \$1.2 million in recurring General Revenue for the Educator Liability Insurance Program.

The 2015-16 GAA provides \$44,022,483 in General Revenue, of which \$4,950,000 is recurring, for the Best and Brightest Teacher Scholarship Program. Under the program, up to 4,402 teachers who are rated "highly effective" and who scored at or above the 80th percentile on either the SAT or the ACT at the time the assessment was taken can be provided a payment of \$10,000. The award will be prorated based on the actual eligible participants. The number of teachers participating in the current year program was due to the Department of Education from each school district by December 1, 2015. The Department of Education has validated the information to provide bonuses for 5,334 teachers which is an estimated \$8,250 bonus per teacher.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to implement the Florida College System Performance-Based Incentive. The bill also requires the Board of Governors to adopt regulations to implement the State University System Performance-Based Incentive.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1                   A bill to be entitled  
2       An act relating to education; creating s. 1001.66,  
3       F.S.; creating a Florida College System Performance-  
4       Based Incentive for Florida College System  
5       institutions; requiring the State Board of Education  
6       to adopt certain metrics and benchmarks; providing for  
7       funding and allocation of the incentives; authorizing  
8       the state board to withhold an institution's incentive  
9       under certain circumstances; providing for reporting  
10      and rulemaking; amending s. 1001.7065, F.S.; deleting  
11      obsolete provisions; revising the academic and  
12      research excellence standards for the preeminent state  
13      research universities program; creating the "emerging  
14      preeminent state research university" designation;  
15      authorizing the Board of Governors to suspend,  
16      rescind, or revoke a university's designation under  
17      certain circumstances; requiring an emerging  
18      preeminent state research university to submit a  
19      certain plan to the board and meet certain  
20      expectations to receive certain funds; providing for  
21      the distribution of certain funding increases;  
22      deleting the preeminent state research university  
23      enhancement initiative; authorizing a preeminent state  
24      research university to require that certain courses be  
25      taken at the university; requiring the board to  
26      identify and grant certain authority and flexibility

27 to preeminent state research universities and emerging  
28 preeminent state research universities; amending s.  
29 1001.92, F.S.; requiring performance-based metrics to  
30 include specified wage thresholds; requiring the board  
31 to establish minimum performance funding eligibility  
32 thresholds; prohibiting a state university that fails  
33 to meet the state's threshold from eligibility for a  
34 share of the state's investment performance funding;  
35 requiring the board to adopt regulations; amending s.  
36 1012.39, F.S.; providing requirements regarding  
37 liability insurance for students performing clinical  
38 field experience; creating s. 1012.731, F.S.;

39 providing legislative intent; establishing the Florida  
40 Best and Brightest Teacher Scholarship Program;  
41 providing eligibility criteria; requiring a school  
42 district to annually submit the number of eligible  
43 teachers to the Department of Education; providing for  
44 funding and the disbursement of funds; defining the  
45 term "school district"; amending s. 1012.75, F.S.;

46 requiring annual notification of liability insurance  
47 to specified personnel; abrogating the scheduled  
48 expiration of the educator liability insurance  
49 program; providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:  
52

53 Section 1. Section 1001.66, Florida Statutes, is created  
54 to read:

55 1001.66 Florida College System Performance-Based  
56 Incentive.-

57 (1) A Florida College System Performance-Based Incentive  
58 shall be awarded to Florida College System institutions using  
59 performance-based metrics adopted by the State Board of  
60 Education. The performance-based metrics must include retention  
61 rates; program completion and graduation rates; postgraduation  
62 employment, salaries, and continuing education for workforce  
63 education and baccalaureate programs, with wage thresholds that  
64 reflect the added value of the certificate or degree; and  
65 outcome measures appropriate for associate of arts degree  
66 recipients. The state board shall adopt benchmarks to evaluate  
67 each institution's performance on the metrics to measure the  
68 institution's achievement of institutional excellence or need  
69 for improvement and minimum requirements for eligibility to  
70 receive performance funding.

71 (2) Each fiscal year, the amount of funds available for  
72 allocation to the Florida College System institutions based on  
73 the performance-based funding model shall consist of the state's  
74 investment in performance funding plus institutional investments  
75 consisting of funds to be redistributed from the base funding of  
76 the Florida College System Program Fund as determined in the  
77 General Appropriations Act. The State Board of Education shall  
78 establish minimum performance funding eligibility thresholds for

79 the state's investment and the institutional investments. An  
80 institution that fails to meet the minimum state investment  
81 performance funding eligibility threshold is ineligible for a  
82 share of the state's investment in performance funding. The  
83 institutional investment shall be restored for all institutions  
84 eligible for the state's investment under the performance-based  
85 funding model.

86 (3) (a) Each Florida College System institution's share of  
87 the performance funding shall be calculated based on its  
88 relative performance on the established metrics in conjunction  
89 with the institutional size and scope.

90 (b) A Florida College System institution that fails to  
91 meet the State Board of Education's minimum institutional  
92 investment performance funding eligibility threshold shall have  
93 a portion of its institutional investment withheld by the state  
94 board and must submit an improvement plan to the state board  
95 that specifies the activities and strategies for improving the  
96 institution's performance. The state board must review and  
97 approve the improvement plan and, if the plan is approved, must  
98 monitor the institution's progress in implementing the  
99 activities and strategies specified in the improvement plan. The  
100 institution shall submit monitoring reports to the state board  
101 by December 31 and May 31 of each year in which an improvement  
102 plan is in place.

103 (c) The Commissioner of Education shall withhold  
104 disbursement of the institutional investment until the

105 monitoring report is approved by the State Board of Education. A  
 106 Florida College System institution determined by the state board  
 107 to be making satisfactory progress on implementing the  
 108 improvement plan shall receive no more than one-half of the  
 109 withheld institutional investment in January and the balance of  
 110 the withheld institutional investment in June. An institution  
 111 that fails to make satisfactory progress may not have its full  
 112 institutional investment restored. Any institutional investment  
 113 funds that are not restored shall be redistributed in accordance  
 114 with the state board's performance-based metrics.

115 (4) Distributions of performance funding, as provided in  
 116 this section, shall be made to each of the Florida College  
 117 System institutions listed in the Florida Colleges category in  
 118 the General Appropriations Act.

119 (5) By October 1 of each year, the State Board of  
 120 Education shall submit to the Governor, the President of the  
 121 Senate, and the Speaker of the House of Representatives a report  
 122 on the previous fiscal year's performance funding allocation,  
 123 which must reflect the rankings and award distributions.

124 (6) The State Board of Education shall adopt rules to  
 125 administer this section.

126 Section 2. Subsection (1) of section 1001.7065, Florida  
 127 Statutes, is reenacted, and subsections (2), (3), and (5)  
 128 through (8) of that section are amended, to read:

129 1001.7065 Preeminent state research universities program.-

130 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE

131 COLLABORATION.—A collaborative partnership is established  
132 between the Board of Governors and the Legislature to elevate  
133 the academic and research preeminence of Florida's highest-  
134 performing state research universities in accordance with this  
135 section. The partnership stems from the State University System  
136 Governance Agreement executed on March 24, 2010, wherein the  
137 Board of Governors and leaders of the Legislature agreed to a  
138 framework for the collaborative exercise of their joint  
139 authority and shared responsibility for the State University  
140 System. The governance agreement confirmed the commitment of the  
141 Board of Governors and the Legislature to continue collaboration  
142 on accountability measures, the use of data, and recommendations  
143 derived from such data.

144 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—~~Effective~~  
145 ~~July 1, 2013,~~ The following academic and research excellence  
146 standards are established for the preeminent state research  
147 universities program:

148 (a) An average weighted grade point average of 4.0 or  
149 higher on a 4.0 scale and an average SAT score of 1800 or higher  
150 on a 2400-point scale or 1200 or higher on a 1600-point scale  
151 for fall semester incoming freshmen, as reported annually.

152 (b) A top-50 ranking on at least two well-known and highly  
153 respected national public university rankings, including, but  
154 not limited to, the U.S. News and World Report rankings,  
155 reflecting national preeminence, using most recent rankings.

156 (c) A freshman retention rate of 90 percent or higher for

157 full-time, first-time-in-college students, as reported annually  
158 to the Integrated Postsecondary Education Data System (IPEDS).

159 (d) A 6-year graduation rate of 70 percent or higher for  
160 full-time, first-time-in-college students, as reported annually  
161 to the IPEDS.

162 (e) Six or more faculty members at the state university  
163 who are members of a national academy, as reported by the Center  
164 for Measuring University Performance in the Top American  
165 Research Universities (TARU) annual report or the official  
166 membership directories maintained by each national academy.

167 (f) Total annual research expenditures, including federal  
168 research expenditures, of \$200 million or more, as reported  
169 annually by the National Science Foundation (NSF).

170 (g) Total annual research expenditures in diversified  
171 nonmedical sciences of \$150 million or more, based on data  
172 reported annually by the NSF.

173 (h) A top-100 university national ranking for research  
174 expenditures in five or more science, technology, engineering,  
175 or mathematics fields of study, as reported annually by the NSF.

176 (i) One hundred or more total patents awarded by the  
177 United States Patent and Trademark Office for the most recent 3-  
178 year period.

179 (j) Four hundred or more doctoral degrees awarded  
180 annually, including professional doctoral degrees awarded in  
181 medical and health care disciplines, as reported in the Board of  
182 Governors Annual Accountability Report.

183 (k) Two hundred or more postdoctoral appointees annually,  
 184 as reported in the TARU annual report.

185 (l) An endowment of \$500 million or more, as reported in  
 186 the Board of Governors Annual Accountability Report.

187 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

188 (a) The Board of Governors shall designate each state  
 189 ~~research~~ university that meets at least 11 of the 12 academic  
 190 and research excellence standards identified in subsection (2)  
 191 as a "preeminent state research university."

192 (b) The Board of Governors shall designate each state  
 193 university that meets at least six of the 12 academic and  
 194 research excellence standards identified in subsection (2) as an  
 195 "emerging preeminent state research university."

196  
 197 The Board of Governors may, upon petition of a university  
 198 designated under this subsection, temporarily suspend or rescind  
 199 the designation, or may, with the concurrence of the Governor,  
 200 the President of the Senate, and the Speaker of the House of  
 201 Representatives, revoke the designation of a university under  
 202 this subsection.

203 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM  
 204 ~~UNIVERSITY~~ SUPPORT.—

205 (a) A state ~~research~~ university that is designated as a  
 206 preeminent state research university, as of July 1, 2013, meets  
 207 all 12 of the academic and research excellence standards  
 208 identified in subsection (2), as verified by the Board of

209 ~~Governors,~~ shall submit to the Board of Governors a 5-year  
 210 benchmark plan with target rankings on key performance metrics  
 211 for national excellence. Upon approval by the Board of  
 212 Governors, and upon the university's meeting the benchmark plan  
 213 goals annually, the Board of Governors shall award the  
 214 university its proportionate share of any funds provided  
 215 annually to support the program created under this section ~~an~~  
 216 ~~amount specified in the General Appropriations Act to be~~  
 217 ~~provided annually throughout the 5-year period. Funding for this~~  
 218 ~~purpose is contingent upon specific appropriation in the General~~  
 219 ~~Appropriations Act.~~

220 (b) A state university designated as an emerging  
 221 preeminent state research university shall submit to the Board  
 222 of Governors a 5-year benchmark plan with target rankings on key  
 223 performance metrics for national excellence. Upon approval by  
 224 the Board of Governors, and upon the university's meeting the  
 225 benchmark plan goals annually, the Board of Governors shall  
 226 award the university its proportionate share of any funds  
 227 provided annually to support the program created under this  
 228 section.

229 (c) The award of funds under this subsection is contingent  
 230 upon funding provided in the General Appropriations Act to  
 231 support the preeminent state research universities program  
 232 created under this section. Funding increases appropriated  
 233 beyond the amounts funded in the previous fiscal year shall be  
 234 distributed as follows:

235 1. Each designated preeminent state research university  
 236 that meets the criteria in paragraph (a) shall receive an equal  
 237 amount of funding.

238 2. Each designated emerging preeminent state research  
 239 university that meets the criteria in paragraph (b) shall  
 240 receive an amount of funding that is equal to one-half of the  
 241 total increased amount awarded to each designated preeminent  
 242 state research university.

243 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~  
 244 ~~INITIATIVE. A state research university that, as of July 1,~~  
 245 ~~2013, meets 11 of the 12 academic and research excellence~~  
 246 ~~standards identified in subsection (2), as verified by the Board~~  
 247 ~~of Governors, shall submit to the Board of Governors a 5-year~~  
 248 ~~benchmark plan with target rankings on key performance metrics~~  
 249 ~~for national excellence. Upon the university's meeting the~~  
 250 ~~benchmark plan goals annually, the Board of Governors shall~~  
 251 ~~award the university an amount specified in the General~~  
 252 ~~Appropriations Act to be provided annually throughout the 5-year~~  
 253 ~~period for the purpose of recruiting National Academy Members,~~  
 254 ~~expediting the provision of a master's degree in cloud~~  
 255 ~~virtualization, and instituting an entrepreneurs-in-residence~~  
 256 ~~program throughout its campus. Funding for this purpose is~~  
 257 ~~contingent upon specific appropriation in the General~~  
 258 ~~Appropriations Act.~~

259 (6)(7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE  
 260 REQUIREMENT AUTHORITY.-In order to provide a jointly shared

261 educational experience, a university that is designated a  
262 preeminent state research university may require its incoming  
263 first-time-in-college students to take a 9-to-12-credit set of  
264 unique courses specifically determined by the university and  
265 published on the university's website. The university may  
266 require ~~stipulate that~~ credit for such courses to be earned at  
267 the university and ~~may not be earned~~ through any acceleration  
268 mechanism pursuant to s. 1007.27 or s. 1007.271 or any other  
269 transfer credit. All accelerated credits earned up to the limits  
270 specified in ss. 1007.27 and 1007.271 shall be applied toward  
271 graduation at the student's request.

272 ~~(7)(8)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY  
273 REQUIREMENT AUTHORITY.—The Board of Governors shall ~~is~~  
274 ~~encouraged to~~ identify and grant all reasonable, ~~feasible~~  
275 authority and flexibility to ensure that each ~~a~~ designated  
276 preeminent state research university and each designated  
277 emerging preeminent state research university is free from  
278 unnecessary restrictions that inhibit the university's chances  
279 of competing with its national peers and increasing its national  
280 ranking and reputation.

281 Section 3. Section 1001.92, Florida Statutes, is amended  
282 to read:

283 1001.92 State University System Performance-Based  
284 Incentive.—

285 (1) A State University System Performance-Based Incentive  
286 shall be awarded to state universities using performance-based

287 metrics adopted by the Board of Governors of the State  
 288 University System. The performance-based metrics must include  
 289 graduation rates;; retention rates;; postgraduation education  
 290 rates;; degree production;; affordability;; postgraduation  
 291 employment and salaries, including wage thresholds that reflect  
 292 the added value of a baccalaureate degree; access;; and other  
 293 metrics approved by the board in a formally noticed meeting. The  
 294 board shall adopt benchmarks to evaluate each state university's  
 295 performance on the metrics to measure the state university's  
 296 achievement of institutional excellence or need for improvement  
 297 and minimum requirements for eligibility to receive performance  
 298 funding.

299 (2) Each fiscal year, The amount of funds available for  
 300 allocation to the state universities based on the performance-  
 301 based funding model ~~metrics~~ shall consist of the state's  
 302 investment in ~~appropriation for~~ performance funding, ~~including~~  
 303 ~~increases in base funding~~ plus institutional investments  
 304 consisting of funds deducted from the base funding of each state  
 305 university in the State University System, in an amount provided  
 306 in the General Appropriations Act. The Board of Governors shall  
 307 establish minimum performance funding eligibility thresholds for  
 308 the state's investment and the institutional investments. A  
 309 state university that fails to meet the minimum state investment  
 310 performance funding eligibility threshold is ineligible for a  
 311 share of the state's investment in performance funding. The  
 312 institutional investment shall be restored for each institution

313 eligible for the state's investment under the performance-based  
314 funding model metrics.

315 (3) (a) A state university that fails to meet the Board of  
316 Governors' minimum institutional investment performance funding  
317 eligibility threshold shall have ~~a portion of~~ its institutional  
318 investment withheld by the board and must submit an improvement  
319 plan to the board that specifies the activities and strategies  
320 for improving the state university's performance. The board must  
321 review and approve the improvement plan and, if the plan is  
322 approved, must monitor the state university's progress in  
323 implementing the activities and strategies specified in the  
324 improvement plan. The state university shall submit monitoring  
325 reports to the board by December 31 and May 31 of each year in  
326 which an improvement plan is in place. The ability of a state  
327 university to submit an improvement plan to the board is limited  
328 to 1 fiscal year.

329 (b) The Chancellor of the State University System shall  
330 withhold disbursement of the institutional investment until the  
331 monitoring report is approved by the Board of Governors. A state  
332 university ~~that is~~ determined by the board to be making  
333 satisfactory progress on implementing the improvement plan shall  
334 receive no more than one-half of the withheld institutional  
335 investment in January and the balance of the withheld  
336 institutional investment in June. A state university that fails  
337 to make satisfactory progress may not have its full  
338 institutional investment restored. Any institutional investment

339 funds that are not restored shall be redistributed in accordance  
340 with the board's performance-based metrics.

341 (4) Distributions of performance funding, as provided in  
342 this section, shall be made to each of the state universities  
343 listed in the Education and General Activities category in the  
344 General Appropriations Act.

345 (5) By October 1 of each year, the Board of Governors  
346 shall submit to the Governor, the President of the Senate, and  
347 the Speaker of the House of Representatives a report on the  
348 previous fiscal year's performance funding allocation which must  
349 reflect the rankings and award distributions.

350 (6) The Board of Governors shall adopt regulations to  
351 administer this section ~~expires July 1, 2016.~~

352 Section 4. Subsection (3) of section 1012.39, Florida  
353 Statutes, is amended to read:

354 1012.39 Employment of substitute teachers, teachers of  
355 adult education, nondegreed teachers of career education, and  
356 career specialists; students performing clinical field  
357 experience.—

358 (3) A student who is enrolled in a state-approved teacher  
359 preparation program in a postsecondary educational institution  
360 that is approved by rules of the State Board of Education and  
361 who is jointly assigned by the postsecondary educational  
362 institution and a district school board to perform a clinical  
363 field experience under the direction of a regularly employed and  
364 certified educator shall, while serving such supervised clinical

365 field experience, be accorded the same protection of law as that  
366 accorded to the certified educator except for the right to  
367 bargain collectively as an employee of the district school  
368 board. The district school board providing the clinical field  
369 experience shall notify the student electronically or in writing  
370 of the availability of educator liability insurance under s.  
371 1012.75. A postsecondary educational institution or district  
372 school board may not require a student enrolled in a state-  
373 approved teacher preparation program to purchase liability  
374 insurance as a condition of participation in any clinical field  
375 experience or related activity on the premises of an elementary  
376 or secondary school.

377 Section 5. Section 1012.731, Florida Statutes, is created  
378 to read:

379 1012.731 The Florida Best and Brightest Teacher  
380 Scholarship Program.—

381 (1) The Legislature recognizes that, second only to  
382 parents, teachers play the most critical role within schools in  
383 preparing students to achieve a high level of academic  
384 performance. The Legislature further recognizes that research  
385 has linked student outcomes to a teacher's own academic  
386 achievement. Therefore, it is the intent of the Legislature to  
387 designate teachers who have achieved high academic standards  
388 during their own education as Florida's best and brightest  
389 teacher scholars.

390 (2) There is created the Florida Best and Brightest

391 Teacher Scholarship Program to be administered by the Department  
392 of Education. The scholarship program shall provide categorical  
393 funding for scholarships to be awarded to teachers who have  
394 demonstrated a high level of academic achievement.

395 (3)(a) To be eligible for a scholarship, a teacher:

396 1. Must have scored at or above the 80th percentile on  
397 either the SAT or the ACT based on the percentile ranks in  
398 effect when the teacher took the assessment and have been  
399 evaluated as highly effective pursuant to s. 1012.34; or

400 2. If the teacher is a first-year teacher who has not been  
401 evaluated pursuant to s. 1012.34, must have scored at or above  
402 the 80th percentile on either the SAT or the ACT based on the  
403 percentile ranks in effect when the teacher took the assessment.

404 (b) In order to demonstrate eligibility for an award, an  
405 eligible teacher must submit to the school district, no later  
406 than October 1, an official record of his or her SAT or ACT  
407 score demonstrating that the teacher scored at or above the 80th  
408 percentile based on the percentile ranks in effect when the  
409 teacher took the assessment. Once a teacher is deemed eligible  
410 by the school district, including teachers deemed eligible in  
411 the 2015-2016 fiscal year, the teacher shall remain eligible as  
412 long as he or she is employed by the school district and  
413 maintains or, if the teacher is a first-year teacher, earns the  
414 evaluation designation of highly effective pursuant to s.  
415 1012.34.

416 (4) Annually, by December 1, each school district shall

417 submit to the department the number of eligible teachers who  
418 qualify for the scholarship.

419 (5) Annually, by February 1, the department shall disburse  
420 scholarship funds, in an amount prescribed annually by the  
421 Legislature in the General Appropriations Act, to each school  
422 district for each eligible teacher to receive a scholarship. If  
423 the number of eligible teachers exceeds the total appropriation  
424 authorized in the General Appropriations Act, the department  
425 shall prorate the per-teacher scholarship amount.

426 (6) Annually, by April 1, each school district shall  
427 provide payment of the scholarship to each eligible teacher.

428 (7) For purposes of this section, the term "school  
429 district" includes the Florida School for the Deaf and the Blind  
430 and charter school governing boards.

431 Section 6. Subsection (3) of section 1012.75, Florida  
432 Statutes, is amended to read:

433 1012.75 Liability of teacher or principal; excessive  
434 force.—

435 (3) The Department of Education shall administer an  
436 educator liability insurance program, as provided in the General  
437 Appropriations Act, to protect full-time instructional personnel  
438 from liability for monetary damages and the costs of defending  
439 actions resulting from claims made against the instructional  
440 personnel arising out of occurrences in the course of activities  
441 within the instructional personnel's professional capacity. For  
442 purposes of this subsection, the terms "full-time," "part-time,"

443 and "administrative personnel" shall be defined by the  
444 individual district school board. For purposes of this  
445 subsection, the term "instructional personnel" has the same  
446 meaning as provided in s. 1012.01(2).

447 (a) Liability coverage of at least \$2 million shall be  
448 provided to all full-time instructional personnel. Liability  
449 coverage may be provided to the following individuals who choose  
450 to participate in the program, at cost: part-time instructional  
451 personnel, administrative personnel, and students enrolled in a  
452 state-approved teacher preparation program pursuant to s.  
453 1012.39(3).

454 (b) By August 1 of each year, the department shall notify  
455 the personnel specified in paragraph (a) of the pending  
456 procurement for liability coverage. By September 1 of each year,  
457 each district school board shall notify the personnel specified  
458 in paragraph (a) of the liability coverage provided pursuant to  
459 this subsection. The department shall develop the form of the  
460 notice which shall be used by each district school board. The  
461 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and  
462 include the amount of coverage, a general description of the  
463 nature of the coverage, and the contact information for coverage  
464 and claims questions. The notification shall be provided  
465 separately from any other correspondence. Each district school  
466 board shall certify to the department, by September 15 of each  
467 year, that the notification required by this paragraph has been  
468 provided.

469 (c) The department shall consult with the Department of  
 470 Financial Services to select the most economically prudent and  
 471 cost-effective means of implementing the program through self-  
 472 insurance, a risk management program, or competitive  
 473 procurement.

474 ~~(d) This subsection expires July 1, 2016.~~

475 Section 7. This act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Appropriations  
 2 Subcommittee

3 Representative Fresen offered the following:

**Amendment**

6 Remove lines 80-82 and insert:

7 institution that meets the minimum institutional investment  
 8 eligibility threshold, but fails to meet the minimum state  
 9 investment eligibility threshold, shall have its institutional  
 10 investment restored but is ineligible for a share of the state's  
 11 investment in performance funding. The

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee

3 Representative Fresen offered the following:

**Amendment (with title amendment)**

6 Remove lines 189-311 and insert:

7 ~~research~~ university that annually meets at least 11 of the 12  
8 academic and research excellence standards identified in  
9 subsection (2) as a "preeminent state research university."

10 (b) The Board of Governors shall designate each state  
11 university that annually meets at least six of the 12 academic  
12 and research excellence standards identified in subsection (2)  
13 as an "emerging preeminent state research university."

14 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM  
15 UNIVERSITY SUPPORT.-

16 (a) A state ~~research~~ university that is designated as a  
17 preeminent state research university, as of July 1, 2013, meets

Amendment No. 2

18 ~~all 12 of the academic and research excellence standards~~  
19 ~~identified in subsection (2), as verified by the Board of~~  
20 ~~Governors,~~ shall submit to the Board of Governors a 5-year  
21 benchmark plan with target rankings on key performance metrics  
22 for national excellence. Upon approval by the Board of  
23 Governors, and upon the university's meeting the benchmark plan  
24 goals annually, the Board of Governors shall award the  
25 university its proportionate share of any funds provided  
26 annually to support the program created under this section an  
27 ~~amount specified in the General Appropriations Act to be~~  
28 ~~provided annually throughout the 5-year period. Funding for this~~  
29 ~~purpose is contingent upon specific appropriation in the General~~  
30 ~~Appropriations Act.~~

31 (b) A state university designated as an emerging  
32 preeminent state research university shall submit to the Board  
33 of Governors a 5-year benchmark plan with target rankings on key  
34 performance metrics for national excellence. Upon approval by  
35 the Board of Governors, and upon the university's meeting the  
36 benchmark plan goals annually, the Board of Governors shall  
37 award the university its proportionate share of any funds  
38 provided annually to support the program created under this  
39 section.

40 (c) The award of funds under this subsection is contingent  
41 upon funding provided in the General Appropriations Act to  
42 support the preeminent state research universities program  
43 created under this section. Funding increases appropriated

Amendment No. 2

44 beyond the amounts funded in the prior fiscal year shall be  
45 distributed as follows:

46 1. Each designated preeminent state research university  
47 that meets the criteria in paragraph (a) shall receive an equal  
48 amount of funding.

49 2. Each designated emerging preeminent state research  
50 university that meets the criteria in paragraph (b) shall  
51 receive an amount of funding that is equal to one-half of the  
52 total increased amount awarded to each designated preeminent  
53 state research university.

54 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~  
55 ~~INITIATIVE. A state research university that, as of July 1,~~  
56 ~~2013, meets 11 of the 12 academic and research excellence~~  
57 ~~standards identified in subsection (2), as verified by the Board~~  
58 ~~of Governors, shall submit to the Board of Governors a 5-year~~  
59 ~~benchmark plan with target rankings on key performance metrics~~  
60 ~~for national excellence. Upon the university's meeting the~~  
61 ~~benchmark plan goals annually, the Board of Governors shall~~  
62 ~~award the university an amount specified in the General~~  
63 ~~Appropriations Act to be provided annually throughout the 5-year~~  
64 ~~period for the purpose of recruiting National Academy Members,~~  
65 ~~expediting the provision of a master's degree in cloud~~  
66 ~~virtualization, and instituting an entrepreneurs-in-residence~~  
67 ~~program throughout its campus. Funding for this purpose is~~  
68 ~~contingent upon specific appropriation in the General~~  
69 ~~Appropriations Act.~~

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70        ~~(6)+(7)~~ PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE  
71 REQUIREMENT AUTHORITY.—In order to provide a jointly shared  
72 educational experience, a university that is designated a  
73 preeminent state research university may require its incoming  
74 first-time-in-college students to take a 9-to-12-credit set of  
75 unique courses specifically determined by the university and  
76 published on the university's website. The university may  
77 stipulate that credit for such courses may not be earned through  
78 any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271  
79 or any other transfer credit. All accelerated credits earned up  
80 to the limits specified in ss. 1007.27 and 1007.271 shall be  
81 applied toward graduation at the student's request.

82        ~~(7)+(8)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY  
83 AUTHORITY.—The Board of Governors is encouraged to identify and  
84 grant all reasonable, feasible authority and flexibility to  
85 ensure that each a designated preeminent state research  
86 university and each designated emerging preeminent state  
87 research university is free from unnecessary restrictions.

88        Section 3. Subsections (4) and (5) are added to section  
89 1001.71, Florida Statutes, to read:

90        1001.71 University boards of trustees; membership.—

91        (4) Each university board of trustees shall select its  
92 chair and vice chair from the appointed members. Each chair  
93 shall serve for 2 years and may be reselected for one additional  
94 consecutive 2-year term, except that, for each additional  
95 consecutive term beyond two terms, by a two-thirds vote, the

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96 board of trustees may reselect the chair for additional  
97 consecutive 2-year terms. The chair shall preside at all  
98 meetings of the board of trustees and is authorized to call  
99 special meetings of the board. The chair shall also attest to  
100 actions of the board of trustees. The chair shall notify the  
101 Governor or the Board of Governors, as applicable, in writing  
102 whenever a board member has three consecutive unexcused absences  
103 from regular board meetings in any fiscal year, which may be  
104 grounds for removal by the Governor or the Board of Governors,  
105 as applicable.

106 (5) Each university board of trustees shall keep and,  
107 within 2 weeks after a board meeting, post prominently on the  
108 university's website detailed meeting minutes for all meetings,  
109 including the vote history and attendance of each trustee. The  
110 Board of Governors shall adopt regulations to implement this  
111 subsection.

112 Section 4. Section 1001.92, Florida Statutes, is amended  
113 to read:

114 1001.92 State University System Performance-Based  
115 Incentive.-

116 (1) A State University System Performance-Based Incentive  
117 shall be awarded to state universities using performance-based  
118 metrics adopted by the Board of Governors of the State  
119 University System.

120 (a) The performance-based metrics must include graduation  
121 rates; retention rates; postgraduation education rates;

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122 degree production; ~~7~~ affordability; ~~7~~ postgraduation employment  
123 and salaries, including wage thresholds that reflect the added  
124 value of a baccalaureate degree; access; ~~7~~ and other metrics  
125 approved by the board in a formally noticed meeting.

126 (b) The board shall adopt benchmarks to evaluate each  
127 state university's performance on the metrics to measure the  
128 state university's achievement of institutional excellence or  
129 need for improvement and minimum requirements for eligibility to  
130 receive performance funding.

131 (c) The board shall develop an implementation plan for  
132 including a metric that addresses the full-time employment rate  
133 of 90 percent of graduates for each state university's top two,  
134 six-digit Classification of Instructional Program baccalaureate  
135 degrees to be incorporated into the performance funding formula  
136 beginning in the 2017-2018 fiscal year. The Board of Governors  
137 shall submit its implementation plan to the Governor, the  
138 President of the Senate, and the Speaker of the House of  
139 Representatives by December 31, 2016.

140 (2) Each fiscal year, The amount of funds available for  
141 allocation to the state universities based on the performance-  
142 based funding model ~~metrics~~ shall consist of the state's  
143 investment in appropriation for performance funding, ~~including~~  
144 ~~increases in base funding~~ plus institutional investments  
145 consisting of funds deducted from the base funding of each state  
146 university in the State University System, ~~7~~ in an amount provided  
147 in the General Appropriations Act. The Board of Governors shall

Amendment No. 2

148 establish minimum performance funding eligibility thresholds for  
149 the state's investment and the institutional investments. A  
150 state university that meets the minimum institutional investment  
151 eligibility threshold, but fails to meet the minimum state  
152 investment eligibility threshold, shall have its institutional  
153 investment restored but is ineligible for a share of the state's  
154 investment in performance funding. The

155  
156 -----  
157 **T I T L E   A M E N D M E N T**

158 Remove lines 15-33 and insert:

159 requiring an emerging preeminent state research university to  
160 submit a certain plan to the board and meet certain expectations  
161 to receive certain funds; providing for the distribution of  
162 certain funding increases; deleting the preeminent state  
163 research university enhancement initiative; authorizing a  
164 preeminent state research university to require that certain  
165 courses be taken at the university; authorizing the board to  
166 identify and grant certain authority and flexibility to emerging  
167 preeminent state research universities; amending s. 1001.71,  
168 F.S.; providing for selection of the chair and vice chair of  
169 each state university board of trustees; specifying terms and  
170 duties of the chair; providing grounds for removal of a board  
171 member; specifying publication requirements for minutes of board  
172 meetings; authorizing the Board of Governors to adopt  
173 regulations; amending s. 1001.92, F.S.; requiring performance-

Amendment No. 2

174 based metrics to include thresholds for added value of certain  
175 degrees; requiring the Board of Governors to develop an  
176 implementation plan for specified metrics relating to the  
177 employment of students with specified degrees by a specified  
178 fiscal year and provide the plan to the Governor and Legislature  
179 by a specified date; requiring the board to establish minimum  
180 performance funding eligibility thresholds; prohibiting a state  
181 university that fails to meet a certain threshold from  
182 eligibility for a  
183

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Appropriations  
 2 Subcommittee  
 3 Representative Fresen offered the following:

**Amendment (with title amendment)**

Remove lines 393-430 and insert:

7 funding for scholarships to be awarded to classroom teachers, as  
 8 defined in s. 1012.01(2)(a), who have demonstrated a high level  
 9 of academic achievement.

10 (3)(a) To be eligible for a scholarship, a classroom  
 11 teacher must have achieved a composite score at or above the  
 12 80th percentile on either the SAT or the ACT based on the  
 13 National Percentile Ranks in effect when the classroom teacher  
 14 took the assessment and have been evaluated as highly effective  
 15 pursuant to s. 1012.34 in the school year immediately preceding  
 16 the year in which the scholarship will be awarded, unless the  
 17 classroom teacher is newly hired by the district school board

Amendment No. 3

18 and has not been evaluated pursuant to s. 1012.34.

19 (b) In order to demonstrate eligibility for an award, an  
20 eligible classroom teacher must submit to the school district,  
21 no later than November 1, an official record of his or her SAT  
22 or ACT score demonstrating that the classroom teacher scored at  
23 or above the 80th percentile based on the National Percentile  
24 Ranks in effect when the teacher took the assessment. Once a  
25 classroom teacher is deemed eligible by the school district,  
26 including teachers deemed eligible in the 2015-2016 fiscal year,  
27 the teacher shall remain eligible as long as he or she remains  
28 employed by the school district as a classroom teacher at the  
29 time of the award and receives an annual performance evaluation  
30 rating of highly effective pursuant to s. 1012.34.

31 (4) Annually, by December 1, each school district shall  
32 submit to the department the number of eligible classroom  
33 teachers who qualify for the scholarship.

34 (5) Annually, by February 1, the department shall disburse  
35 scholarship funds to each school district for each eligible  
36 classroom teacher to receive a scholarship as provided in the  
37 General Appropriations Act. The amount disbursed shall include a  
38 scholarship award of \$1,000, from the total amount of funds  
39 appropriated, for each eligible classroom teacher in a Title I  
40 school. Of the remaining funds, a scholarship in the amount  
41 provided in the General Appropriations Act shall be awarded to  
42 every eligible classroom teacher, including those in Title I  
43 schools. If the number of eligible classroom teachers exceeds

Amendment No. 3

44 the total appropriation authorized in the General Appropriations  
45 Act, the department shall prorate the per-teacher scholarship  
46 amount.

47 (6) Annually, by April 1, each school district shall award  
48 the scholarship to each eligible classroom teacher.

49 (7) For purposes of this section, the term "school  
50 district" includes the Florida School for the Deaf and the Blind  
51 and charter school governing boards.

52

53

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

54

55 Remove line 43 and insert:

56 classroom teachers to the Department of Education; providing for



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 835 Education  
**SPONSOR(S):** Education Appropriations Subcommittee  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Appropriations Subcommittee		Seifert	Heflin 

### SUMMARY ANALYSIS

Home Education is a parent-directed educational option that satisfies the requirement for regular school attendance. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education program students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program.

The bill:

- Clarifies that a home education program is not a school district;
- Authorizes school districts to provide exceptional student education-related services to a home education program student and report them for FEFP funding for services provided;
- Authorizes school districts to provide a home education program student access to career and technical courses and programs;
- Authorizes school districts to offer industry certifications, national assessments, and statewide, standardized assessments to a home education program student;
- Reimburses dual enrollment instructional materials expenses to a home education program student;
- Limits the documentation a school district can require from a home education student;
- Aligns compulsory school attendance penalties of a home education program student with that of a public school student;
- Exempts dual enrollment students from paying postsecondary institution technology fees;
- Exempts a home education program student from the grade point average requirement for admission to a dual enrollment program if the student meets the minimum score on a common placement test;
- Explicitly exempts public school, private school, or home education program dual enrollment students from payment of registration, tuition, technology, and laboratory fees;
- Clarifies that private schools and a home education program student are not required to reimburse tuition for dual enrollment students;
- Requires postsecondary institutions to have a dual enrollment articulation agreement with home education program students and with private schools; and
- Specifies a home education program student is eligible for a Florida Gold Seal Vocational Scholars award.

The bill provides an appropriation of \$1 million of recurring general revenue for the 2016-2017 Fiscal Year to be disbursed by a nonprofit Scholarship Funding Organization to provide reimbursement of up to \$80 per course for dual enrollment instruction materials expenditures made by home education program students.

The bill is effective on July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Home Education Programs

Home Education is a parent-directed educational option that satisfies the requirement for regular school attendance. Florida Laws protecting home education became effective in 1985. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education program students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program. More than 84,000 students in approximately 58,000 families are in Home Education Programs throughout Florida.<sup>1</sup>

Section 1002.01, Florida Statute, defines home education as the sequentially progressive instruction of a student directed by his or her parent or guardian, in order to satisfy the requirement for compulsory education as defined in Section 1002.20, Florida Statute. Current law does not prescribe a curriculum or course of study for home education programs.

The bill allows, but does not require, a school district to provide exceptional student education (ESE) services to a home education program student and to report those students as full-time equivalent (FTE) for funding in the Florida Education Finance Program (FEFP). The bill also allows, but does not require, a school district to provide access to career and technical courses and programs to a home education program student and to report those students as FTE for funding in the FEFP.

The bill requires school districts to notify home education program students in the district of the date, time, and availability of industry certifications, national assessments, and statewide standardized assessments. A home education program student must notify the school district of intent to take the available certificates or assessments.

The bill provides, subject to an appropriation, a reimbursement of up to \$80 per dual enrollment course instructional materials for a home school program student. The reimbursement must be verified by an eligible nonprofit scholarship funding organization. If the number of submissions for dual enrollment textbook reimbursement is greater than the appropriation, the available funds shall be prorated among the eligible requests.

##### Court Procedure and Penalties

Florida law defines "habitual truant" as a student who has 15 or more unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or guardian, and who is subject to compulsory school attendance.<sup>2</sup>

The Florida Legislature enacted attendance requirements for minors to maintain their driving privileges. The superintendent of each school district is responsible for enforcing school attendance requirements by reporting to the Department of Highway Safety and Motor Vehicles (DHSMV) all students between the ages of 14-18 who accumulate 15 unexcused absences in any 90 calendar day period, or who drops out of school. The DHSMV may not issue a driver's license or learner's driver's license to such students, and shall suspend any previously issued driver's license, pursuant to Section 322.091, Florida Statutes.

<sup>1</sup> Department of Education at: <http://www.fldoe.org/schools/school-choice/other-school-choice/options/home-edu/> (last visited Jan 23, 2016).

<sup>2</sup> Section 984.03(27)(a), F.S.

The bill aligns notification procedures of nonenrollment and nonattendance of a student who is required to attend school. Currently, a school principal must notify the Department of Highway Safety and Motor Vehicles (DHSMV) of nonattendance of a public school student. The bill requires private schools and the parent of a home school program student to notify the DHSMV of a student who fails to meet attendance requirements. The DHSMV may not issue a driver license or a learner's driver license, and shall suspend any issued license, of any such reported student pursuant to section 322.091, Florida Statutes.

### Dual Enrollment Program

Dual enrollment allows high school students an opportunity to enroll in postsecondary courses and receive both high school and postsecondary credit.

Home education program students may enroll directly with the postsecondary institution pursuant to Section 1007.271(10)(a), Florida Statutes, or use the district's interinstitutional articulation agreement. If the home education program student enrolls through the district's interinstitutional articulation agreement as the basis for dual enrollment, the student is effectively enrolled in the district for the course(s) and the district may earn FTE and must provide instructional materials.

A home education program student not using the district's interinstitutional articulation agreement must provide proof of enrollment in the home education program and is responsible for his or her own instructional materials.

The Dual Enrollment Articulation Agreement between a school district and a postsecondary institution establishes guidelines for implementing the program for eligible students. Section 1007.271(21), Florida Statutes, mandates that a school district and the local public postsecondary institution enter into an agreement.

Home education program students must present evidence to the postsecondary institution that the home education program is in compliance with Section 1002.41, Florida Statutes. It is not a requirement that home education program students present a transcript at the time of entry to the dual enrollment program. Each postsecondary institution must enter into a Home Education Articulation Agreement with each student seeking enrollment in a dual enrollment course and the student's parent.

Currently, a dual enrollment student is exempt from payment of registration, tuition, and laboratory fees. The bill exempts technology fees for dual enrollment students as well.

The bill allows a home education program student to participate in a dual enrollment course without a high school grade point average (GPA) if the home school program student meets a minimum score on a college placement test. The home education program student is required to maintain a minimum GPA for continued enrollment.

The bill explicitly states that public school, private school, or home education program students eligible for dual enrollment are exempt from paying registration, tuition, technology, and laboratory fees.

The bill clarifies that private schools and a home education program student are not required to reimburse tuition for dual enrollment students. Public schools continue to be required to reimburse tuition for each dual enrollment student in the district.

The bill requires a dual enrollment articulation agreement between home education program students and the postsecondary institution.

The bill requires that a copy of a postsecondary institution's dual enrollment articulation agreement with a private school be submitted to the Department of Education. In addition, the dual enrollment

articulation agreement with a private school must explicitly state that the costs associated with tuition and fees may not be passed along to the private school student or the private school.

#### Florida Gold Seal Vocational Scholars Award

Students who are home-educated in Florida may apply for the Florida Bright Futures Scholarship Program. The Bright Futures home education requirements differ from public and private high school requirements. Student eligibility requirements are provided for home education program students participating in the Bright Futures Florida Academic and Florida Medallion Scholarship programs; however, there is currently no specific authority for home education program students to be eligible for the Florida Gold Seal Vocational Scholarship.

The Florida Gold Seal Vocational Scholarship may be used for the following programs at institutions that offer these specific programs:

- Applied Technology Diploma Programs,
- Technical Degree Programs (Associate Degree and Applied Associate of Science Degree); and
- Career Certificate Programs.

Florida high school students who wish to qualify for the Florida Gold Seal Vocational Scholars award must meet the following initial eligibility requirements:

- Graduate from high school with a Standard Diploma (high school graduation requirements);
- Achieve the required weighted minimum 3.0 GPA in the non-elective high school courses;
- Take at least 3 full credits in a single Career and Technical Education program;
- Achieve the required minimum 3.5 unweighted GPA in the career education courses;
- Achieve the required minimum score on the ACT®, SAT®, or Florida Postsecondary Education Readiness Test (P.E.R.T.) exams; and
- Complete 30 service hours.

The bill makes a technical correction to clarify that the student must earn a minimum unweighted grade point average of 3.5 on a 4.0 scale for the secondary school career courses required to be eligible for the Florida Gold Seal Vocational Scholars scholars award.

In lieu of earning a minimum cumulative weighted grade point average of 3.0, on all subjects required for a standard high school diploma, excluding elective courses, the bill clarifies that a student who has attended a home education program during grades 11 and 12 is eligible for a Florida Gold Seal Vocational Scholarship if the student meets the general eligibility requirements for the program.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 1002.41, F.S.; specifies that a home education program is not a school district program; authorizes a school district to provide exceptional student education-related services to certain home education program students; requires reporting and funding through the Florida Education Finance Program; authorizes a school district to provide home education program students with access to certain courses and programs offered by the school district; requires reporting and funding through the Florida Education Finance Program; requires home education program students be provided access to certain certifications and assessments offered by the school district; provides for a textbook reimbursement for home education program students; provides for funding and the disbursement of the reimbursement; requires a home education program student be verified by the postsecondary institution before award of the reimbursement; requires the reimbursement to be prorated under certain circumstances; and prohibits a school district from taking certain actions against a home education program student's parent unless such action is required for a school district program.

Section 2: Amends s. 1003.27, F.S.; requires a school and school district to comply with specified provisions before instituting criminal prosecution against certain parents relating to compulsory school attendance.

Section 3: Amends s. 1007.271, F.S.; exempts dual enrollment students from paying technology fees; prohibits dual enrollment course and program limitations for home education program students from exceeding limitations for other students; provides an exemption from the grade point average requirement for initial enrollment in a dual enrollment program for certain home education program students; provides that articulation agreements for private schools and home education program students may not contain specified payment provisions; requires each public postsecondary institution to develop a comprehensive dual enrollment articulation agreement for home education program students; authorizes certain postsecondary institutions to enter into an articulation agreement with certain private schools; requires the articulation agreement be submitted to the Department of Education; and requires specified provisions be included in the agreement.

Section 4: Amends s. 1009.536, F.S.; clarifies student eligibility for the Florida Gold Seal Vocational Scholars award.

Section 5: Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See *Fiscal Comments*.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The bill allows, but does not require, school districts to serve non-public school ESE students and report them for FTE funding. It is unknown how many home education program students are eligible or may use these services. The cost is indeterminate.

The bill allows, but does not require, school districts to provide access to career and technical courses and programs to non-public school students and report them for FTE funding. It is unknown how many home education program students are eligible or may use these services. The cost is indeterminate.

The bill requires school districts to notify and allow participation of industry certifications, national assessments, and statewide standardized assessments to non-public school students. It is unknown how many home education program students may choose to participate in the testing of certifications or assessments. The cost is indeterminate.

The bill provides a dual enrollment instructional materials reimbursement to home education program students of up to \$80 per dual enrollment course material to be administered by a nonprofit Scholarship Funding Organization. The bill provides an appropriation of \$1 million to the Department of Education to meet this requirement. If the appropriation is insufficient to meet the full cost of the program, the amount of each reimbursement shall be prorated.

The bill codifies and clarifies the home education program students' participation in the dual enrollment program. The changes codify current practice and there is no fiscal impact.

The changes made to the Florida Gold Seal Vocational Scholars award qualifications is expected to be positive, but indeterminate, due to the unknown actual number of eligible home education program students in Florida.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None known.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2       An act relating to education; amending s. 1002.41,  
 3       F.S.; specifying that a home education program is not  
 4       a school district program; authorizing a school  
 5       district to provide exceptional student education-  
 6       related services to certain home education program  
 7       students; requiring reporting and funding through the  
 8       Florida Education Finance Program; authorizing a  
 9       school district to provide home education program  
 10      students with access to certain courses and programs  
 11      offered by the school district; requiring reporting  
 12      and funding through the Florida Education Finance  
 13      Program; requiring home education program students be  
 14      provided access to certain certifications and  
 15      assessments offered by the school district; providing  
 16      for a textbook reimbursement for certain home  
 17      education program students; providing for funding and  
 18      the disbursement of the reimbursement; requiring a  
 19      home education student's enrollment in a dual  
 20      enrollment course be verified by the postsecondary  
 21      institution before award of the reimbursement;  
 22      requiring the reimbursement to be prorated under  
 23      certain circumstances; prohibiting a school district  
 24      from taking certain actions against a home education  
 25      program student's parent unless such action is  
 26      required for a school district program; amending s.

27 1003.27, F.S.; requiring a school and school district  
28 to comply with specified provisions before instituting  
29 criminal prosecution against certain parents relating  
30 to compulsory school attendance; amending s. 1007.271,  
31 F.S.; exempting dual enrollment students from paying  
32 technology fees; prohibiting dual enrollment course  
33 and program limitations for home education students  
34 from exceeding limitations for other students;  
35 providing an exemption from the grade point average  
36 requirement for initial enrollment in a dual  
37 enrollment program for certain home education  
38 students; providing that articulation agreements for  
39 private schools and home education students may not  
40 contain specified payment provisions; requiring each  
41 public postsecondary institution to develop a  
42 comprehensive dual enrollment articulation agreement  
43 for home education students; authorizing certain  
44 postsecondary institutions to enter into an  
45 articulation agreement with certain private schools;  
46 requiring the articulation agreement be submitted to  
47 the Department of Education; requiring specified  
48 provisions be included in the agreement; amending s.  
49 1009.536, F.S.; specifying student eligibility for the  
50 Florida Gold Seal Vocational Scholars award; providing  
51 an appropriation; providing an effective date.

52

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

54

55 Section 1. Subsections (3) and (9) of section 1002.41,  
 56 Florida Statutes, are amended, and subsections (10), (11), (12),  
 57 (13), and (14) are added to that section, to read:

58 1002.41 Home education programs.—

59 (3) A home education program is not a school district  
 60 program and shall be excluded from meeting the requirements of a  
 61 school day.

62 (9) ~~Home education program students may receive~~ Testing  
 63 and evaluation services at diagnostic and resource centers shall  
 64 be available to home education program students, in accordance  
 65 with the provisions of s. 1006.03.

66 (10) A school district may provide exceptional student  
 67 education-related services, as defined in State Board of  
 68 Education rule, to a home education program student with a  
 69 disability who is eligible for the services and who enrolls in a  
 70 public school solely for the purpose of receiving those related  
 71 services. The school district providing the services shall  
 72 report each student as a full-time equivalent student in the  
 73 class and in a manner prescribed by the Department of Education,  
 74 and funding shall be provided through the Florida Education  
 75 Finance Program pursuant to s. 1011.62.

76 (11) A school district may provide access to career and  
 77 technical courses and programs to a home education program  
 78 student who enrolls in a public school solely for the career and

79 technical courses or programs. The school district providing the  
80 career and technical courses and programs shall report each  
81 student as a full-time equivalent student in the class and in a  
82 manner prescribed by the Department of Education, and funding  
83 shall be provided through the Florida Education Finance Program  
84 pursuant to s. 1011.62.

85 (12) Industry certifications, national assessments, and  
86 statewide, standardized assessments offered by the school  
87 district shall be available to home education program students.  
88 Each school district shall notify home education program  
89 students of the available certifications and assessments; the  
90 date, time, and locations for the administration of each  
91 certification and assessment; and the deadline for notifying the  
92 school district of the student's intent to participate and the  
93 student's preferred location.

94 (13) Subject to an appropriation in the General  
95 Appropriations Act, home education program students enrolled in  
96 a dual enrollment course shall be provided an annual  
97 reimbursement of up to \$80 for instructional materials assigned  
98 for use within the course. The reimbursement shall be disbursed  
99 by an eligible nonprofit scholarship-funding organization, as  
100 defined in s. 1002.395, selected by the Department of Education.  
101 A student's enrollment in a dual enrollment course must be  
102 verified by the postsecondary institution before the  
103 reimbursement may be awarded. If the amount for the total  
104 reimbursement for all instructional materials exceeds the total

105 appropriation in the General Appropriations Act, each student  
 106 shall receive a prorated amount based on the number of students  
 107 requesting reimbursement for dual enrollment instructional  
 108 materials.

109 (14) A school district may not further regulate, exercise  
 110 control over, or require documentation from parents of home  
 111 education program students beyond the requirements of this  
 112 section unless the regulation, control, or documentation is  
 113 necessary for participation in a school district program.

114 Section 2. Subsection (2) of section 1003.27, Florida  
 115 Statutes, is amended to read:

116 1003.27 Court procedure and penalties.—The court procedure  
 117 and penalties for the enforcement of the provisions of this  
 118 part, relating to compulsory school attendance, shall be as  
 119 follows:

120 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

121 (a) In each case of nonenrollment or of nonattendance upon  
 122 the part of a student who is required to attend some school,  
 123 when no valid reason for such nonenrollment or nonattendance is  
 124 found, the district school superintendent shall institute a  
 125 criminal prosecution against the student's parent. However,  
 126 criminal prosecution may not be instituted against the student's  
 127 parent until the school and school district have complied with  
 128 s. 1003.26.

129 (b) Each public school principal or the principal's  
 130 designee shall notify the district school board of each minor

131 student under its jurisdiction who accumulates 15 unexcused  
132 absences in a period of 90 calendar days. ~~Each designee of the~~  
133 ~~governing body of each private school, and each parent whose~~  
134 ~~child is enrolled in a home education program, may provide the~~  
135 ~~Department of Highway Safety and Motor Vehicles with the legal~~  
136 ~~name, sex, date of birth, and social security number of each~~  
137 ~~minor student under his or her jurisdiction who fails to satisfy~~  
138 ~~relevant attendance requirements and who fails to otherwise~~  
139 ~~satisfy the requirements of s. 322.091. The district school~~  
140 superintendent must provide the Department of Highway Safety and  
141 Motor Vehicles the legal name, sex, date of birth, and social  
142 security number of each minor student who has been reported  
143 under this paragraph and who fails to otherwise satisfy the  
144 requirements of s. 322.091. The Department of Highway Safety and  
145 Motor Vehicles may not issue a driver license or learner's  
146 driver license to, and shall suspend any previously issued  
147 driver license or learner's driver license of, any such minor  
148 student, pursuant to the provisions of s. 322.091.

149 (c) Each designee of the governing body of each private  
150 school and each parent whose child is enrolled in a home  
151 education program may provide the Department of Highway Safety  
152 and Motor Vehicles with the legal name, sex, date of birth, and  
153 social security number of each minor student under his or her  
154 jurisdiction who fails to satisfy relevant attendance  
155 requirements and who fails to otherwise satisfy the requirements  
156 of s. 322.091. The Department of Highway Safety and Motor

157 Vehicles may not issue a driver license or learner's driver  
158 license to, and shall suspend any previously issued driver  
159 license or learner's driver license of, any such minor student,  
160 pursuant to the provisions of s. 322.091.

161 Section 3. Subsections (22) through (24) are renumbered as  
162 subsections (23) through (25), respectively, subsections (2),  
163 (10), and (11), paragraph (b) of subsection (13), subsection  
164 (16), paragraph (n) of subsection (21), and present subsection  
165 (24) of section 1007.271, Florida Statutes, are amended, and a  
166 new subsection (22) is added to that section, to read:

167 1007.271 Dual enrollment programs.—

168 (2) For the purpose of this section, an eligible secondary  
169 student is a student who is enrolled in any of grades 6 through  
170 12 in a Florida public school or in a Florida private school  
171 that is in compliance with s. 1002.42(2) and provides a  
172 secondary curriculum pursuant to s. 1003.4282. A student  
173 ~~Students~~ who is ~~are~~ eligible for dual enrollment pursuant to  
174 this section may enroll in dual enrollment courses conducted  
175 during school hours, after school hours, and during the summer  
176 term. However, if the student is projected to graduate from high  
177 school before the scheduled completion date of a postsecondary  
178 course, the student may not register for that course through  
179 dual enrollment. The student may apply to the postsecondary  
180 institution and pay the required registration, tuition, and fees  
181 if the student meets the postsecondary institution's admissions  
182 requirements under s. 1007.263. Instructional time for dual

183 enrollment may vary from 900 hours; however, the full-time  
184 equivalent student membership value is ~~shall be~~ subject to ~~the~~  
185 ~~provisions in~~ s. 1011.61(4). A student enrolled as a dual  
186 enrollment student is exempt from the payment of registration,  
187 tuition, technology, and laboratory fees. Applied academics for  
188 adult education instruction, developmental education, and other  
189 forms of precollegiate instruction, as well as physical  
190 education courses that focus on the physical execution of a  
191 skill, rather than the intellectual attributes of the activity,  
192 are ineligible for inclusion in the dual enrollment program.  
193 Recreation and leisure studies courses shall be evaluated  
194 individually in the same manner as physical education courses  
195 for potential inclusion in the program.

196 (10) Early admission is a form of dual enrollment through  
197 which an eligible secondary student enrolls ~~students enroll~~ in a  
198 postsecondary institution on a full-time basis in courses that  
199 are creditable toward the high school diploma and the associate  
200 or baccalaureate degree. A student must enroll in a minimum of  
201 12 college credit hours per semester or the equivalent to  
202 participate in the early admission program; however, a student  
203 may not be required to enroll in more than 15 college credit  
204 hours per semester or the equivalent. A student ~~Students~~  
205 enrolled pursuant to this subsection is ~~are~~ exempt from the  
206 payment of registration, tuition, technology, and laboratory  
207 fees.

208 (11) Career early admission is a form of career dual

209 enrollment through which an eligible secondary student enrolls  
 210 ~~students enroll~~ full time in a career center or a Florida  
 211 College System institution in postsecondary programs leading to  
 212 industry certifications, as listed in the CAPE Postsecondary  
 213 Industry Certification Funding List pursuant to s. 1008.44,  
 214 which are creditable toward the high school diploma and the  
 215 certificate or associate degree. Participation in the career  
 216 early admission program is limited to students who have  
 217 completed a minimum of 4 semesters of full-time secondary  
 218 enrollment, including studies undertaken in ~~the ninth~~ grade 9. A  
 219 student ~~Students~~ enrolled pursuant to this section ~~is~~ are exempt  
 220 from the payment of registration, tuition, technology, and  
 221 laboratory fees.

222 (13)

223 (b) Each postsecondary institution shall enter into a home  
 224 education articulation agreement with each home education  
 225 student seeking enrollment in a dual enrollment course and the  
 226 student's parent. The home education articulation agreement  
 227 shall include, at a minimum:

228 1. A delineation of courses and programs available to  
 229 dually enrolled home education students. Courses and programs  
 230 may be added, revised, or deleted at any time by the  
 231 postsecondary institution. Any course or program limitations may  
 232 not exceed the limitations for other dually enrolled students.

233 2. The initial and continued eligibility requirements for  
 234 home education student participation, not to exceed those

235 required of other dually enrolled students. A high school grade  
236 point average may not be required for home education students  
237 who meet the minimum score on a common placement test adopted by  
238 the State Board of Education which indicates that the student is  
239 ready for college-level coursework; however, home education  
240 student eligibility requirements for continued enrollment in  
241 college credit dual enrollment courses must include the  
242 maintenance of the minimum postsecondary grade point average  
243 established by the postsecondary institution.

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

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

248 (16) Public school, private school, or home education  
249 program students who meet the eligibility requirements of this  
250 section and who choose to participate in dual enrollment  
251 programs are exempt from the payment of registration, tuition,  
252 technology, and laboratory fees.

253 (21) Each district school superintendent and each public  
254 postsecondary institution president shall develop a  
255 comprehensive dual enrollment articulation agreement for the  
256 respective school district and postsecondary institution. The  
257 superintendent and president shall establish an articulation  
258 committee for the purpose of developing the agreement. Each  
259 state university president may designate a university  
260 representative to participate in the development of a dual

261 enrollment articulation agreement. A dual enrollment  
262 articulation agreement shall be completed and submitted annually  
263 by the postsecondary institution to the Department of Education  
264 on or before August 1. The agreement must include, but is not  
265 limited to:

266 (n) A funding provision that delineates costs incurred by  
267 each entity.

268 1. School districts shall pay public postsecondary  
269 institutions the standard tuition rate per credit hour from  
270 funds provided in the Florida Education Finance Program when  
271 dual enrollment course instruction takes place on the  
272 postsecondary institution's campus and the course is taken  
273 during the fall or spring term. When dual enrollment is provided  
274 on the high school site by postsecondary institution faculty,  
275 the school district shall reimburse the costs associated with  
276 the postsecondary institution's proportion of salary and  
277 benefits to provide the instruction. When dual enrollment course  
278 instruction is provided on the high school site by school  
279 district faculty, the school district is not responsible for  
280 payment to the postsecondary institution. A postsecondary  
281 institution may enter into an agreement with the school district  
282 to authorize teachers to teach dual enrollment courses at the  
283 high school site or the postsecondary institution. A school  
284 district may not deny a student access to dual enrollment unless  
285 the student is ineligible to participate in the program subject  
286 to provisions specifically outlined in this section.

287           2. Subject to annual appropriation in the General  
 288 Appropriations Act, a public postsecondary institution shall  
 289 receive an amount of funding equivalent to the standard tuition  
 290 rate per credit hour for each dual enrollment course taken by a  
 291 student during the summer term.

292           3. The payment provisions of this paragraph do not apply  
 293 to an articulation agreement with a private school or a home  
 294 education student.

295           (22) Each public postsecondary institution shall develop a  
 296 comprehensive dual enrollment articulation agreement for home  
 297 education students and the postsecondary institution.

298           (25)(24) A postsecondary institution eligible to  
 299 participate in the dual enrollment program pursuant to s.  
 300 1011.62(1)(i) may enter into a private school articulation  
 301 agreement with a private school that is in compliance with s.  
 302 1002.42(2) and provides a secondary curriculum pursuant to s.  
 303 1003.4282. The postsecondary institution shall complete and  
 304 submit the private school articulation agreement to the  
 305 Department of Education. The articulation agreement must include  
 306 a provision expressing that a private school or student may not  
 307 be required to pay costs associated with tuition and fees,  
 308 including technology, registration, and laboratory fees  
 309 ~~Postsecondary institutions may enter into dual enrollment~~  
 310 ~~articulation agreements with private secondary schools pursuant~~  
 311 ~~to subsection (2).~~

312           Section 4. Subsection (1) of section 1009.536, Florida

313 Statutes, is amended to read:

314 1009.536 Florida Gold Seal Vocational Scholars award.—The  
 315 Florida Gold Seal Vocational Scholars award is created within  
 316 the Florida Bright Futures Scholarship Program to recognize and  
 317 reward academic achievement and career preparation by high  
 318 school students who wish to continue their education.

319 (1) A student is eligible for a Florida Gold Seal  
 320 Vocational Scholars award if the student meets the general  
 321 eligibility requirements for the Florida Bright Futures  
 322 Scholarship Program and the student:

323 (a) Completes the secondary school portion of a sequential  
 324 program of studies that requires at least three secondary school  
 325 career credits and earns a minimum unweighted grade point  
 326 average of 3.5 on a 4.0 scale for secondary school career  
 327 courses comprising the career program. On-the-job training may  
 328 not be substituted for any of the three required career credits.

329 (b) Demonstrates readiness for postsecondary education by  
 330 earning a passing score on the Florida College Entry Level  
 331 Placement Test or its equivalent as identified by the Department  
 332 of Education,

333 (c) Earns a minimum cumulative weighted grade point  
 334 average of 3.0, as calculated pursuant to s. 1009.531, on all  
 335 subjects required for a standard high school diploma, excluding  
 336 elective courses, or has attended a home education program  
 337 pursuant to s. 1002.41 during grades 11 and 12.

338 ~~(d) Earns a minimum unweighted grade point average of 3.5~~

339 ~~on a 4.0 scale for secondary career courses comprising the~~  
 340 ~~career program.~~

341 (d)~~(e)~~ Beginning with high school students graduating in  
 342 the 2011-2012 academic year and thereafter, completes a program  
 343 of community service work approved by the district school board,  
 344 the administrators of a nonpublic school, or the Department of  
 345 Education for home education program students, which shall  
 346 include a minimum of 30 hours of service work, and identifies a  
 347 social problem that interests him or her, develops a plan for  
 348 his or her personal involvement in addressing the problem, and,  
 349 through papers or other presentations, evaluates and reflects  
 350 upon his or her experience.

351 Section 5. For the 2016-2017 fiscal year, the sum of \$1  
 352 million in recurring funds is appropriated from the General  
 353 Revenue Fund to the Department of Education for the purpose of  
 354 implementing s. 1002.41(13), Florida Statutes.

355 Section 6. This act shall take effect July 1, 2016.  
 356

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 835 (2016)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                              \_\_\_ (Y/N)  
OTHER                                    \_\_\_\_\_

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1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee

3 Representative Campbell offered the following:  
4

5                   **Amendment (with title amendment)**

6                   Between lines 350 and 351, insert:

7                   Section 5. Paragraph (i) of subsection (1) of section  
8 1011.62, Florida Statutes, is amended to read:

9                   1011.62 Funds for operation of schools.—If the annual  
10 allocation from the Florida Education Finance Program to each  
11 district for operation of schools is not determined in the  
12 annual appropriations act or the substantive bill implementing  
13 the annual appropriations act, it shall be determined as  
14 follows:

15                   (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
16 OPERATION.—The following procedure shall be followed in

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## Amendment No. 1

17 determining the annual allocation to each district for  
18 operation:

19 (i) Calculation of full-time equivalent membership with  
20 respect to dual enrollment instruction.—Students enrolled in  
21 dual enrollment instruction pursuant to s. 1007.271 may be  
22 included in calculations of full-time equivalent student  
23 memberships for basic programs for grades 9 through 12 by a  
24 district school board. Instructional time for dual enrollment  
25 may vary from 900 hours; however, the full-time equivalent  
26 student membership value shall be subject to the provisions in  
27 s. 1011.61(4). Dual enrollment full-time equivalent student  
28 membership shall be calculated in an amount equal to the hours  
29 of instruction that would be necessary to earn the full-time  
30 equivalent student membership for an equivalent course if it  
31 were taught in the school district. Students in dual enrollment  
32 courses may also be calculated as the proportional shares of  
33 full-time equivalent enrollments they generate for a Florida  
34 College System institution or university conducting the dual  
35 enrollment instruction. Early admission students shall be  
36 considered dual enrollments for funding purposes. Students may  
37 be enrolled in dual enrollment instruction provided by an  
38 eligible independent college or university and may be included  
39 in calculations of full-time equivalent student memberships for  
40 basic programs for grades 9 through 12 by a district school  
41 board. However, those provisions of law which exempt dual  
42 enrolled and early admission students from payment of

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Amendment No. 1

43 instructional materials and tuition and fees, including  
44 laboratory fees, shall not apply to students who select the  
45 option of enrolling in an eligible independent institution. An  
46 independent college or university which is located and chartered  
47 in Florida, ~~is not for profit~~, is accredited by the Commission  
48 on Colleges of the Southern Association of Colleges and Schools  
49 or the Accrediting Council for Independent Colleges and Schools,  
50 and confers degrees as defined in s. 1005.02 shall be eligible  
51 for inclusion in the dual enrollment or early admission program.  
52 Students enrolled in dual enrollment instruction shall be exempt  
53 from the payment of tuition and fees, including laboratory fees.  
54 No student enrolled in college credit mathematics or English  
55 dual enrollment instruction shall be funded as a dual enrollment  
56 unless the student has successfully completed the relevant  
57 section of the entry-level examination required pursuant to s.  
58 1008.30.

60 -----  
61 **T I T L E A M E N D M E N T**

62 Remove line 50 and insert:

63 Florida Gold Seal Vocational Scholars award; amending  
64 s. 1011.62, F.S.; removing the requirement that an  
65 independent college or university be not for profit to  
66 be eligible for inclusion in the dual enrollment or  
67 early admission programs; providing

