



Education Committee

Thursday, January 18, 2018

9:00 AM

Reed Hall (102 HOB)

Meeting Packet

Richard Corcoran
Speaker

Michael Bileca
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Education Committee

Start Date and Time: Thursday, January 18, 2018 09:00 am

End Date and Time: Thursday, January 18, 2018 10:00 am

Location: Reed Hall (102 HOB)

Duration: 1.00 hrs

Consideration of the following bill(s):

HB 75 Postsecondary Fee Waivers by Ponder

HB 577 High School Graduation Requirements by Silvers

CS/HB 619 Renaming of Florida College System Institutions by Post-Secondary Education Subcommittee,
Nuñez, Raschein

Workshop on the following:

Draft language on oversight and monitoring in scholarship programs

NOTICE FINALIZED on 01/12/2018 4:21PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 75 Postsecondary Fee Waivers

SPONSOR(S): Ponder and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 460

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee	13 Y, 0 N	McAlarney	Bishop
2) Higher Education Appropriations Subcommittee	11 Y, 0 N	Butler	Lloyd
3) Education Committee		McAlarney	Hassell

SUMMARY ANALYSIS

Currently, active duty United States Armed Forces members are reimbursed for tuition through the US Department of Defense (DOD) Military Tuition Assistance (MTA) program. The DOD program expressly prohibits the payment of fees, which are defined as any charge not directly related to course instruction. Therefore, active duty military members incur out of pocket expenses for mandatory fees when enrolling in a Florida College System (FCS) institution.

The bill authorizes FCS institutions to waive any portion of specified fees that are not covered under the DOD MTA program.

Active duty service members using the DOD MTA program will no longer incur out of pocket costs when they are enrolled in a FCS institution that elects to implement the fee waiver.

Each FCS institution must report to the State Board of Education the number and value of all fee waivers granted annually.

Institutions that choose to implement the fee waiver will lose fee revenues from current eligible students. However, in waiving the fees, institutions could realize increased DOD MTA student enrollment, which would generate additional tuition revenues. Tuition and fee revenues make up approximately 40 percent of the total operating costs for FCS institutions, with state funding providing 60 percent. Because the potential eligible population and enrollment behavior is unknown, the fiscal impact on institutional revenues and future state appropriations to cover operational costs is indeterminate.

The bill has an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Department of Defense (DOD) Military Tuition Assistance (MTA) program is a benefit paid to eligible service members for tuition and fees at postsecondary education institutions. The program is authorized in federal code¹ and implemented through DOD instructions.² In 2014, the DOD MTA program instructions were modified to limit coverage of the benefit to tuition only. The payment of other mandatory fees using federal dollars is expressly prohibited. The guidance further defined fees to include any charge not directly related to course instruction, including but not limited to, costs associated with room, board, distance learning, equipment, supplies, books/materials, exams, insurance, parking, transportation, admissions, registration, or fines.

Florida's current tuition funding model authorizes tuition and fee charges at Florida College System (FCS) institutions³ and state universities.⁴ For Florida MTA students, the following mandatory fees are no longer covered by the DOD MTA program:

- Student activity and service fee
- Capital improvement fee
- Financial aid fee
- Technology fee
- Access fee

Together, these fees total approximately \$25 per credit hour at FCS institutions. It appears that several institutions are providing institution-based financial aid in order to eliminate out-of-pocket costs for their DOD MTA program beneficiaries. However, this may not be sustainable long-term.

Effect of Proposed Changes

This bill authorizes a FCS institution to waive any portion of the following fees for a US Armed Forces active duty member so long as they are using military tuition assistance provided by the US DOD:

- Student activity and service fee;
- Financial aid fee;
- Technology fee;
- Capital improvement fee; and
- Any other fees authorized in s. 1009.23, F.S.

Additionally, each FCS institution must report to the State Board of Education the number and value of all fee waivers granted annually.

B. SECTION DIRECTORY:

Section 1. Adds subsection (15) to section 1009.26, F.S., authorizing FCS institutions to waive specified fees for active duty U.S. Armed Forces members who use the DOD MTA program.

Section 2. Provides an effective date of July 1, 2018.

¹ 38 USC Ch. 33: Post-9/11 EDUCATIONAL ASSISTANCE.

² U.S. Dep't of Def., DoD Instruction (DoDI) 1322.25, Voluntary Education Programs, Jul. 7, 2014, <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132225p.pdf> (last visited Oct. 10, 2017)

³ Section 1009.23, F.S.

⁴ Section 1009.24, F.S.

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:

Active duty service members using the DOD MTA program will no longer have to incur out of pocket costs when they are enrolled in a FCS institution that elects to implement the fee waiver.

D. FISCAL COMMENTS:

Institutions that choose to implement the fee waiver will lose fee revenues from current eligible students. However, in waiving the fees, institutions could realize increased DOD MTA student enrollment, which would generate additional tuition revenues. Tuition and fee revenues make up approximately 40 percent of the total operating costs for FCS institutions, with state funding providing 60 percent. Because the potential eligible population and enrollment behavior is unknown, the fiscal impact on institutional revenues and future state appropriations to cover operational costs is indeterminate.

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.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled

2 An act relating to postsecondary fee waivers; amending
 3 s. 1009.26, F.S.; authorizing a Florida College System
 4 institution to waive any portion of certain
 5 postsecondary fees for active duty members of the
 6 Armed Forces of the United States using military
 7 tuition assistance; requiring each institution to
 8 report to the State Board of Education the number and
 9 value of fee waivers granted annually; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (15) is added to section 1009.26,
 15 Florida Statutes, to read:

16 1009.26 Fee waivers.—

17 (15) A Florida College System institution may waive any
 18 portion of the student activity and service fee, the financial
 19 aid fee, the technology fee, the capital improvement fee, and
 20 any other fees authorized in s. 1009.23 for a person who is an
 21 active duty member of the Armed Forces of the United States
 22 using military tuition assistance provided by the United States
 23 Department of Defense. Each Florida College System institution
 24 shall report to the State Board of Education the number and
 25 value of all fee waivers granted annually under this subsection.

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26 Section 2. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 577 High School Graduation Requirements

SPONSOR(S): Silvers and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 856

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	15 Y, 0 N	Silver	DavisGreene
2) Education Committee		Silver	Hassell

SUMMARY ANALYSIS

To receive a standard high school diploma a student must successfully complete a combination of core-curricula courses, e.g., English language arts, mathematics, science, social studies physical education and fine or performing arts, speech and debate, or practical arts. Students may use career education courses to satisfy high school graduation credit requirements.

The bill allows a student to use credit earned upon completion of a DOE-registered apprenticeship or preapprenticeship program to satisfy the credit requirements for fine or performing arts, speech and debate, or practical arts.

The bill requires the State Board of Education (SBE) to approve and identify in the Course Code Directory apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy graduation requirements.

The bill has an insignificant fiscal impact. (See FISCAL COMMENTS.)

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida High School Graduation Requirements

Section 1003.4282, F.S., establishes the courses and credits required for a student to receive a standard high school diploma. A student must successfully complete 24 credits in core-curricula and extracurricular courses.¹

For grades 9 through 12, core curricula courses are those subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in state law as required for high school graduation and that are not measured by state assessment.² Core courses are: English language arts, mathematics, science, and social studies.³ The remaining required courses are extracurricular courses, which include but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit.⁴

Core and Extracurricular Course and Credit Requirements⁵

- English Language Arts (ELA) - 4 Credits
 - ELA I, II, III, and IV.
- Mathematics – 4 Credits
 - One credit in Algebra I, one credit in Geometry, and two additional credits.
 - A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two additional credits. Substitution may occur for up to 2 credits, with the exception of Algebra I and Geometry.
- Science – 3 Credits
 - One credit in Biology I and 2 credits in equally rigorous courses.
 - A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two equally rigorous courses.
- Social Studies – 3 Credits
 - One credit in United States History; one credit in World History; one-half credit in U.S. Government, and one-half credit in Economics, which must include Financial Literacy.
- Fine Arts, Performing Arts, Speech and Debate, or Practical Arts – 1 Credit
 - The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible courses are identified in the Course Code Directory.⁶
- Physical Education - 1 Credit
 - Must include the integration of health.

¹ See s. 1008.4282(3)(a)-(g), F.S.

² Section 1003.01(14), F.S.

³ See s. 1008.4282(3)(a)-(d), F.S.

⁴ Section 1003.01(15), F.S.

⁵ Section 1003.4282(3), F.S.

⁶ The Course Code Directory requires that programs and courses funded through the Florida Education Finance Program (FEFP) and courses or programs for which students may earn elective or required credit toward high school graduation must be listed in the Course Code Directory (CCD). Rule 6A-1.0944, F.A.C.

- Electives – 8 Credits
 - Must include opportunities for students to earn college credit, including industry-certified career programs or courses that lead to college credit.
- Online Course Requirement⁷
 - Determined based upon the completed course.

Career Education

Career education provides instruction for the following purposes:⁸

- Exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses⁹ that provide generic skills that may apply to many occupations. Such courses are not designed to prepare students for entry into a specific occupation. Career education provided before high school completion must be designed to strengthen both occupational awareness and academic skills, which is integrated throughout all academic instruction

Secondary school level

- Job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

Postsecondary education level

- Courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

Career Education Courses That Satisfy High School Graduation Requirements

Section 1003.4282(8), F.S., requires the Department of Education (DOE) to develop, for approval by the State Board of Education (SBE), career education courses or a series of courses that satisfy general high school credit requirements.¹⁰ Students may earn credit in both the career education courses and the courses required for a standard high school diploma. It is the responsibility of the SBE to determine if sufficient academic standards are covered to warrant the award of the academic credit.¹¹

Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework that results in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certificate or degree program, which may include high school junior and senior year work-related

⁷ Section 1003.4282(4), F.S. A school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57, F.S., which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school. *Id.*

⁸ Section 1003.01(4), F.S.

⁹ There are over 300 Career and Technical Education courses that meet the practical arts high school graduation requirement. Florida Department of Education, <http://www.fldoe.org/core/fileparse.php/7746/urlt/1617PAcourses.pdf> (last visited January 5, 2018).

¹⁰ School districts are required to offer at least two career-themed courses, and each secondary school is encouraged to offer at least one career-themed course. Career-themed courses are courses, or a course in a series of courses, that leads to an industry certification identified in the Career and Professional Education (CAPE) Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Students completing a career-themed course must be provided opportunities to earn postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the state. Section 1003.493(1)(b), F.S.

¹¹ Section 1003.4282(8)(a)1., F.S.

internships or apprenticeships. The DOE must negotiate state licenses for material and testing for industry certifications. The instructional methodology used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the course material.¹²

School districts are encouraged to initiate partnerships with local workforce boards, local business and industry leaders, and postsecondary institutions for the purpose of creating career education courses or a series of courses. Such courses must meet the goals and requirements of career and professional academies¹³ and career-themed courses.¹⁴

Apprenticeship and Preapprenticeship Programs

The DOE is responsible for the development of the apprenticeship and preapprenticeship standards for trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs.¹⁵

An apprenticeship program is an organized course of instruction that is registered and approved by the DOE and must address all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.¹⁶ The length of an apprenticeship program varies from one to five years depending on the occupation's training requirements.¹⁷

An apprenticeship may be offered only in occupations that:

- are customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training;
- are commonly recognized throughout the industry or recognized with a positive view toward changing technology;
- involve manual, mechanical, or technical skills and knowledge that require a minimum of 2,000 hours of work and training, excluding the time spent in related instruction;
- require related instruction to supplement on-the-job training; and
- involve the development of skills sufficiently broad to be applicable in like occupations throughout an industry, rather than skills that are of restricted application to the products or services of any one company¹⁸

The following categories of occupations may not create an apprenticeship program: selling, retailing, or similar occupations in the distributive field; managerial occupations; and professional and scientific vocations for which entrance requirements customarily require an academic degree.¹⁹

To be eligible for an apprenticeship program, the person must be at least 16 years of age. Admission requirements relating to education, physical ability, work experience, and other criteria vary based on

¹² Section 1003.4282(8)(a)2., F.S.

¹³ Public schools and school districts are required to offer career and professional academies. Career and professional academies are research-based programs that integrate a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state. Section 1003.493(1)(a), F.S.

¹⁴ Section 1003.4282(8)(b), F.S.

¹⁵ Section 446.011(2), F.S.

¹⁶ Section 446.021(6), F.S.

¹⁷ Section 446.021(6), F.S.; rule 6A-23.004, F.A.C.

¹⁸ Section 446.092, F.S.

¹⁹ Section 446.092(6), F.S.

the program's training needs.²⁰ As of January 2018, there are 196 registered apprenticeship programs and 11,468 registered apprentices.²¹

According to DOE, Each registered apprenticeship program operates independently and establishes its application process and minimum qualifications. The required minimum qualifications for persons entering an apprenticeship are an eligible starting age of not less than 16 years. Most program minimum qualifications require the following of all applicants – being at least 18 years of age, possess a high school diploma or a high school equivalency diploma, possess a valid drivers' license and be physically able to perform the work of the trade. Some programs require more, some less.²²

A preapprenticeship program is an organized course of instruction designed to prepare a person 16 years of age or older to become an apprentice. The program must be registered with the DOE and sponsored by a registered apprenticeship program.²³ The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program.²⁴ According to the DOE there are seven one credit preapprenticeship courses, which are counted as electives for graduation purposes.²⁵ As of September 14, 2017, there are 19 preapprenticeship programs located throughout the state.²⁶

Effect of Proposed Changes

The bill permits a student to use credit earned upon completion of a DOE-registered apprenticeship or preapprenticeship program to satisfy the credit requirements in s. 1003.4282(3)(e) or (g), F.S., relating to courses in fine or performing arts, speech and debate, or practical arts; or electives.

The State Board of Education (SBE) is required to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.4282(8), F.S., to permit a student to use credit earned upon completion of a DOE-registered apprenticeship or preapprenticeship program to satisfy the credit requirements for courses in fine or performing arts, speech and debate, or practical arts. The SBE must approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

Section 2. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

²⁰ United States Department of Labor, Employment and Training Administration, Apprentices, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 3, 2018).

²¹ Email from Florida Department of Education, Governmental Relations, Apprenticeship Programs (January 5, 2018).

²² Email from Florida Department of Education, Division of Career and Adult Education, Apprenticeship Information (January 5, 2018).

²³ Section 446.021(5), F.S.

²⁴ Rule 6A-23.010(1), F.A.C.

²⁵ Email, Florida Department of Education, Agency Legislative Bill Analysis, HB 525, (March 3, 2017).

²⁶ Florida Department of Education, Career and Adult Education, Preapprenticeship Programs, <http://www.fldoe.org/core/fileparse.php/5626/urlt/adult-preapprenticeship.pdf> (last visited January 5, 2018).

2. Expenditures:
See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None
2. Expenditures:
Indeterminable

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

According to the DOE, the Florida Automated System for Transferring Education Records (FASTER) would require an outside contractor position of 40 hours at \$60 per hour, totaling \$2,400.00, to update the database.²⁷

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
Not Applicable
2. Other:
None

B. RULE-MAKING AUTHORITY:

None

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 high school graduation
 3 requirements; amending s. 1003.4282, F.S.; authorizing
 4 the use of credits earned upon completion of a
 5 registered apprenticeship or preapprenticeship to
 6 satisfy specified high school graduation credit
 7 requirements; requiring that the State Board of
 8 Education approve and identify apprenticeship and
 9 preapprenticeship programs for such purpose; providing
 10 an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (a) of subsection (8) of section
 15 1003.4282, Florida Statutes, is amended to read:

16 1003.4282 Requirements for a standard high school
 17 diploma.—

18 (8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
 19 CREDIT REQUIREMENTS.—

20 (a) Participation in career education courses engages
 21 students in their high school education, increases academic
 22 achievement, enhances employability, and increases postsecondary
 23 success. By July 1, 2014, the department shall develop, for
 24 approval by the State Board of Education, multiple, additional
 25 career education courses or a series of courses that meet the

26 requirements set forth in s. 1003.493(2), (4), and (5) and this
 27 subsection and allow students to earn credit in both the career
 28 education course and courses required for high school graduation
 29 under this section and s. 1003.4281.

30 1. The state board must determine if sufficient academic
 31 standards are covered to warrant the award of academic credit.

32 2. Career education courses must include workforce and
 33 digital literacy skills and the integration of required course
 34 content with practical applications and designated rigorous
 35 coursework that results in one or more industry certifications
 36 or clearly articulated credit or advanced standing in a 2-year
 37 or 4-year certificate or degree program, which may include high
 38 school junior and senior year work-related internships or
 39 apprenticeships. The department shall negotiate state licenses
 40 for material and testing for industry certifications. The
 41 instructional methodology used in these courses must be
 42 comprised of authentic projects, problems, and activities for
 43 contextually learning the academics.

44 3. A student who earns credit upon completion of an
 45 apprenticeship or preapprenticeship program registered with the
 46 Department of Education under chapter 446 may use such credit to
 47 satisfy the high school graduation credit requirements in
 48 paragraph (3)(e) or paragraph (3)(g). The state board shall
 49 approve and identify in the Course Code Directory the
 50 apprenticeship and preapprenticeship programs from which earned

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51 | credit may be used pursuant to this subparagraph.

52 | Section 2. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 619 Renaming of Florida College System Institutions
SPONSOR(S): Post-Secondary Education Subcommittee, Nuñez and Raschein
TIED BILLS: None **IDEN./SIM. BILLS:** SB 946

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee	11 Y, 0 N, As CS	McAlarney	Bishop
2) Education Committee		McAlarney	Hassell

SUMMARY ANALYSIS

This bill changes the name of "Florida Keys Community College" to "College of the Florida Keys" and the name of "North Florida Community College" to "North Florida College". The institutions have met all statutory requirements for the name changes.

The bill may have nominal costs that can be absorbed by the colleges.

The bill has an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

With the approval of its district board of trustees, a Florida College System institution may change the name of the institution as listed in s. 1000.21(3), F.S., and use the designation "college" or "state college" if it has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).¹ A district board of trustees that approves the use of the designation "college" or "state college" must seek statutory codification of the name change during the next regular legislative session.²

Florida Keys Community College has met the statutory requirements for a name change.³ The college is accredited by the SACSCOC to award associate degrees⁴ and a Bachelor of Applied Science in Supervision and Management.⁵

On January 6, 2016, Florida's State Board of Education unanimously approved Florida Keys Community College's proposal to offer its first baccalaureate degree at their monthly meeting in Tallahassee.⁶ On December 4, 2016, the SACSCOC accredited the college to offer the Bachelor of Applied Science in Supervision and Management effective January 2017.⁷

North Florida Community College has met the statutory requirements for a name change.⁸ The college is accredited by the SACSCOC to award associate degrees⁹ and has approval from the State Board of Education to begin a Bachelor of Science in Nursing program.¹⁰

¹ Section 1001.60(2)(b)1., F.S.

² Section 1001.60(2)(c), F.S.

³ Section 1001.60(2)(b)1., F.S.

⁴ Florida Keys Community College, *Statement of Accreditation*, <https://www.fkcc.edu/about/statement-of-accreditation/> (last visited Nov. 9, 2017).

⁵ Southern Association of Colleges and Schools, Commission on Colleges, *Accreditation Actions Taken by the SACSCOC Board of Trustees*, Dec. 4, 2016; p. 2; <http://www.sacscoc.org/2016decActionsanddisclosurestatements/16cract.december.pdf> (last visited Nov. 9, 2017); <https://www.fkcc.edu/academics/bachelors-degree-supervision-management/> (last visited Nov. 9, 2017).

⁶ Florida Board of Education, State Board of Education Agenda, Jan. 6, 2016, <http://www.fldoe.org/core/fileparse.php/13170/urlt/agenda.pdf> (last visited Nov. 9, 2017); Florida Keys Community College, Bachelor's Degree Approval, Jan. 6, 2016, <https://www.fkcc.edu/2016/01/bachelors-degree-approved-by-state-board/> (last visited Nov. 9, 2017).

⁷ Southern Association of Colleges and Schools, Commission on Colleges, *Accreditation Actions Taken by the SACSCOC Board of Trustees*, Dec. 4, 2016; p. 2; <http://www.sacscoc.org/2016decActionsanddisclosurestatements/16cract.december.pdf> (last visited Nov. 9, 2017).

⁸ Section 1001.60(2)(b)1., F.S.

⁹ North Florida Community College, About, <https://www.nfcc.edu/about-nfcc/index> (last visited Dec. 6, 2017); Suwannee Democrat, North Florida Community College Closer to Name Change, Jan. 20, 2017, http://www.suwanneedemocrat.com/news/north-florida-community-college-closer-to-changing-name/article_9353ae1a-df1a-11e6-b65b-af4dfe78ea16.html (last visited Dec. 6, 2017).

¹⁰ Suwannee Democrat, North Florida Community College Closer to Name Change, Jan. 20, 2017, http://www.suwanneedemocrat.com/news/north-florida-community-college-closer-to-changing-name/article_9353ae1a-df1a-11e6-b65b-af4dfe78ea16.html (last visited Dec. 6, 2017); Southern Association of Colleges and Schools, Commission on Colleges, *Accreditation Actions Taken by the SACSCOC Board of Trustees*, Jun. 15, 2017; p. 3; <http://www.sacscoc.org/2017JuneActionsanddisclosurestatements/17cractjune.pdf> (last visited Dec. 6, 2017).

On September 23, 2016, Florida's State Board of Education unanimously approved North Florida Community College's proposal to offer its first baccalaureate degree at their monthly meeting.¹¹ On June 15, 2017, the SACSCOC accredited the college to offer the Bachelor of Science in Nursing effective August 2017.¹²

Effect of Proposed Changes

The bill amends s. 1000.21(3)(h), F.S., changing the name of "Florida Keys Community College" to "College of the Florida Keys". Also, the bill amends s. 1000.21(3)(p), F.S., changing the name of "North Florida Community College" to "North Florida College". The colleges have complied with the statutory requirements for name changes.

B. SECTION DIRECTORY:

Section 1. Amends s. 1000.21(3)(h), F.S., changing the name of Florida Keys Community College to College of the Florida Keys. Also, amends s. 1000.21(3)(p), F.S., changing the name of "North Florida Community College" to "North Florida College".

Section 2. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

¹¹ Florida Board of Education, State Board of Education Agenda, Action Item, Sept. 23, 2016, <http://www.fldoe.org/core/fileparse.php/18330/urlt/bacc.pdf> (last visited Dec. 6, 2017); Florida Board of Education, State Board of Education Agenda, Action Item, Oct. 26, 2016, <http://www.fldoe.org/core/fileparse.php/18349/urlt/minutes.pdf> (last visited Dec. 6, 2017).

¹² Southern Association of Colleges and Schools, Commission on Colleges, *Accreditation Actions Taken by the SACSCOC Board of Trustees*, Jun. 15, 2017, p. 3; <http://www.sacscoc.org/2017JuneActionsanddisclosurestatements/17cractjune.pdf> (last visited Dec. 6, 2017).

D. FISCAL COMMENTS:

The colleges may incur costs related to the name change. Such costs may be associated with signage, publications, documentation, and other related items. Payment of such costs shall be the responsibility of the institutions.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 6, 2017, the Post-Secondary Education Subcommittee adopted an amendment and reported the bill favorably as amended. The amendment changes the name of the "North Florida Community College" to "North Florida College".

The bill analysis is drafted to reflect the amendment.

1 A bill to be entitled
 2 An act relating to the renaming of Florida College
 3 System institutions; amending s. 1000.21, F.S.;
 4 changing the name of "Florida Keys Community College"
 5 to "The College of the Florida Keys"; changing the
 6 name of "North Florida Community College" to "North
 7 Florida College; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraphs (h) and (p) of subsection (3) of
 12 section 1000.21, Florida Statutes, are amended to read:

13 1000.21 Systemwide definitions.—As used in the Florida K-
 14 20 Education Code:

15 (3) "Florida College System institution" except as
 16 otherwise specifically provided, includes all of the following
 17 public postsecondary educational institutions in the Florida
 18 College System and any branch campuses, centers, or other
 19 affiliates of the institution:

20 (h) The College of the Florida Keys ~~Community College~~,
 21 which serves Monroe County.

22 (p) North Florida ~~Community~~ College, which serves
 23 Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor
 24 Counties.

25 Section 2. This act shall take effect July 1, 2018.

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1 A bill to be entitled
 2 An act relating to oversight and accountability in
 3 state school choice scholarship programs; amending s.
 4 1002.421, F.S.; providing private school requirements
 5 for participation in educational scholarship programs;
 6 providing background screening requirements and
 7 procedures for owners of private schools; providing
 8 that a private school is ineligible to participate in
 9 an educational scholarship program under certain
 10 circumstances; providing the Department of Education
 11 obligations relating to education scholarship
 12 programs; providing Commissioner of Education
 13 authority and responsibilities for educational
 14 scholarship programs; authorizing the commissioner to
 15 deny, suspend, or revoke a private school's
 16 participation in an educational scholarship program;
 17 amending ss. 1002.385, 1002.39, and 1002.395, F.S.;
 18 conforming provisions to changes made by the act;
 19 providing an effective date.

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

22
 23 Section 1. Section 1002.421, Florida Statutes, is amended
 24 to read:

25 1002.421 ~~Accountability of private schools participating~~

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26 in State school choice scholarship program ~~programs~~
 27 accountability and oversight.-

28 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.-A Florida
 29 private school participating in ~~the Florida Tax Credit~~
 30 ~~Scholarship Program established pursuant to s. 1002.395 or an~~
 31 educational scholarship program established pursuant to this
 32 chapter must be a Florida private school as defined in s.
 33 1002.01(2), be registered, and be in compliance ~~comply~~ with all
 34 requirements of this section in addition to private school
 35 requirements outlined in s. 1002.42, specific requirements
 36 identified within respective scholarship program laws, and other
 37 provisions of Florida law that apply to private schools, and
 38 must:-

39 ~~(2) A private school participating in a scholarship~~
 40 ~~program must be a Florida private school as defined in s.~~
 41 ~~1002.01(2), must be registered in accordance with s. 1002.42,~~
 42 ~~and must:-~~

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

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

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

50 (d) Provide to the department or scholarship funding

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51 organization all documentation required for a student's
 52 participation, including the private school's and student's
 53 individual fee schedule, and ~~Complete student enrollment and~~
 54 ~~attendance verification requirements, including use of an online~~
 55 attendance verification as required by the department or
 56 scholarship funding organization form, prior to scholarship
 57 payment.

58 (e) Annually complete and submit to the department a
 59 notarized scholarship compliance statement certifying that all
 60 school employees and contracted personnel with direct student
 61 contact have undergone background screening pursuant to s.
 62 943.0542 and have met the screening standards of s. 435.04.

63 (f) Demonstrate fiscal soundness and accountability by:

64 1. Being in operation for at least 3 school years or
 65 obtaining a surety bond or letter of credit for the amount equal
 66 to the scholarship funds for any quarter and filing the surety
 67 bond or letter of credit with the department.

68 2. Requiring the parent of each scholarship student to
 69 personally restrictively endorse the scholarship warrant to the
 70 school or approve a funds transfer before any funds are
 71 deposited for a student. The school may not act as attorney in
 72 fact for the parent of a scholarship student under the authority
 73 of a power of attorney executed by such parent, or under any
 74 other authority, to endorse a scholarship warrant or approve a
 75 funds transfer warrants on behalf of such parent.

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

- 78 1. Firesafety.
- 79 2. Building safety.

80 (h) Employ or contract with teachers who hold
 81 baccalaureate or higher degrees, have at least 3 years of
 82 teaching experience in public or private schools, or have
 83 special skills, knowledge, or expertise that qualifies them to
 84 provide instruction in subjects taught.

85 (i) Maintain a physical location in the state where each
 86 student has regular and direct contact with teachers at the
 87 school's physical location.

88 (j) Provide to the parent of each scholarship student on
 89 the school's website, or on a written form provided by the
 90 school, information regarding the school, including, but not
 91 limited to, programs, services, and the qualifications of each
 92 classroom teacher.

93 (k) At a minimum, provide the parent of each scholarship
 94 student a written explanation of the student's progress on a
 95 quarterly basis.

96 (l) Cooperate with the student whose parent chooses to
 97 participate in the statewide assessments pursuant to s. 1008.22.

98 ~~(m)-(i)~~ Require each employee and contracted personnel with
 99 direct student contact, upon employment or engagement to provide
 100 services, to undergo a state and national background screening,

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101 pursuant to s. 943.0542, by electronically filing with the
 102 Department of Law Enforcement a complete set of fingerprints
 103 taken by an authorized law enforcement agency or an employee of
 104 the private school, a school district, or a private company who
 105 is trained to take fingerprints and deny employment to or
 106 terminate an employee if he or she fails to meet the screening
 107 standards under s. 435.04. Results of the screening shall be
 108 provided to the participating private school. For purposes of
 109 this paragraph:

110 1. An "employee or contracted personnel with direct
 111 student contact" means any employee or contracted personnel who
 112 has unsupervised access to a scholarship student for whom the
 113 private school is responsible.

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

116 3. Continued employment of an employee or contracted
 117 personnel after notification that he or she has failed the
 118 background screening under this paragraph shall cause a private
 119 school to be ineligible for participation in a scholarship
 120 program.

121 4. An employee or contracted personnel holding a valid
 122 Florida teaching certificate who has been fingerprinted pursuant
 123 to s. 1012.32 is not required to comply with the provisions of
 124 this paragraph.

125 5.(3)(a) All fingerprints submitted to the Department of

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126 Law Enforcement as required by this section shall be retained by
 127 the Department of Law Enforcement in a manner provided by rule
 128 and entered in the statewide automated biometric identification
 129 system authorized by s. 943.05(2)(b). Such fingerprints shall
 130 thereafter be available for all purposes and uses authorized for
 131 arrest fingerprints entered in the statewide automated biometric
 132 identification system pursuant to s. 943.051.

133 6.~~(b)~~ The Department of Law Enforcement shall search all
 134 arrest fingerprints received under s. 943.051 against the
 135 fingerprints retained in the statewide automated biometric
 136 identification system under subparagraph 5 ~~paragraph (a)~~. Any
 137 arrest record that is identified with the retained fingerprints
 138 of a person subject to the background screening under this
 139 section shall be reported to the employing school with which the
 140 person is affiliated. Each private school participating in a
 141 scholarship program is required to participate in this search
 142 process by informing the Department of Law Enforcement of any
 143 change in the employment or contractual status of its personnel
 144 whose fingerprints are retained under subparagraph 5 ~~paragraph~~
 145 ~~(a)~~. The Department of Law Enforcement shall adopt a rule
 146 setting the amount of the annual fee to be imposed upon each
 147 private school for performing these searches and establishing
 148 the procedures for the retention of private school employee and
 149 contracted personnel fingerprints and the dissemination of
 150 search results. The fee may be borne by the private school or

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151 the person fingerprinted.

152 7.~~(e)~~ Employees and contracted personnel whose
 153 fingerprints are not retained by the Department of Law
 154 Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~
 155 are required to be refingerprinted and must meet state and
 156 national background screening requirements upon reemployment or
 157 reengagement to provide services in order to comply with the
 158 requirements of this section.

159 8.~~(d)~~ Every 5 years following employment or engagement to
 160 provide services with a private school, employees or contracted
 161 personnel required to be screened under this section must meet
 162 screening standards under s. 435.04, at which time the private
 163 school shall request the Department of Law Enforcement to
 164 forward the fingerprints to the Federal Bureau of Investigation
 165 for national processing. If the fingerprints of employees or
 166 contracted personnel are not retained by the Department of Law
 167 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and
 168 contracted personnel must electronically file a complete set of
 169 fingerprints with the Department of Law Enforcement. Upon
 170 submission of fingerprints for this purpose, the private school
 171 shall request that the Department of Law Enforcement forward the
 172 fingerprints to the Federal Bureau of Investigation for national
 173 processing, and the fingerprints shall be retained by the
 174 Department of Law Enforcement under subparagraph 5 ~~paragraph~~
 175 ~~(a)~~.

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

178 ~~(a) Disqualify instructional personnel and school~~
 179 ~~administrators, as defined in s. 1012.01, from employment in any~~
 180 ~~position that requires direct contact with students if the~~
 181 ~~personnel or administrators are ineligible for such employment~~
 182 ~~under s. 1012.315.~~

183 (n) ~~(b)~~ Adopt policies establishing standards of ethical
 184 conduct for instructional personnel and school administrators.
 185 The policies must require all instructional personnel and school
 186 administrators, as defined in s. 1012.01, to complete training
 187 on the standards; establish the duty of instructional personnel
 188 and school administrators to report, and procedures for
 189 reporting, alleged misconduct by other instructional personnel
 190 and school administrators which affects the health, safety, or
 191 welfare of a student; and include an explanation of the
 192 liability protections provided under ss. 39.203 and 768.095. A
 193 private school, or any of its employees, may not enter into a
 194 confidentiality agreement regarding terminated or dismissed
 195 instructional personnel or school administrators, or personnel
 196 or administrators who resign in lieu of termination, based in
 197 whole or in part on misconduct that affects the health, safety,
 198 or welfare of a student, and may not provide the instructional
 199 personnel or school administrators with employment references or
 200 discuss the personnel's or administrators' performance with

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201 prospective employers in another educational setting, without
 202 disclosing the personnel's or administrators' misconduct. Any
 203 part of an agreement or contract that has the purpose or effect
 204 of concealing misconduct by instructional personnel or school
 205 administrators which affects the health, safety, or welfare of a
 206 student is void, is contrary to public policy, and may not be
 207 enforced.

208 (o)~~(e)~~ Before employing instructional personnel or school
 209 administrators in any position that requires direct contact with
 210 students, conduct employment history checks of each of the
 211 personnel's or administrators' previous employers, screen the
 212 personnel or administrators through use of the educator
 213 screening tools described in s. 1001.10(5), and document the
 214 findings. If unable to contact a previous employer, the private
 215 school must document efforts to contact the employer.

216 (p) Require each owner or operator of the private school
 217 to comply with the background screening requirements of s.
 218 1002.395(6)(b). For purposes of this paragraph:

219 1. An "owner or operator" includes an owner, operator,
 220 superintendent, or principal of, or a person with equivalent
 221 decisionmaking authority over, a private school participating in
 222 a scholarship program established pursuant to this chapter.

223 2. At least 30 calendar days before a transfer of
 224 ownership of a private school, the owner or operator shall
 225 notify the parent of each scholarship student.

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226 3. The owner or operator of a private school that has been
 227 deemed ineligible to participate in a scholarship program
 228 pursuant to this chapter may not transfer ownership or
 229 management authority of the school to a relative in order to
 230 participate in a scholarship program as the same school or a new
 231 school. For purposes of this subparagraph, the term "relative"
 232 means father, mother, son, daughter, grandfather, grandmother,
 233 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
 234 wife, father-in-law, mother-in-law, son- in-law, daughter-in-
 235 law, brother-in-law, sister-in-law, stepfather, stepmother,
 236 stepson, stepdaughter, stepbrother, stepsister, half-brother, or
 237 half-sister.

238 (q) Provide a report from an independent certified public
 239 accountant who performs the agreed-upon procedures developed
 240 pursuant to s. 1002.395(6)(o) if the private school receives
 241 more than \$250,000 in funds from scholarships awarded under this
 242 chapter in a state fiscal year. A private school subject to this
 243 subsection must annually submit the report by September 15 to
 244 the scholarship-funding organization that awarded the majority
 245 of the school's scholarship funds. However, a school that
 246 receives more than \$250,000 in scholarship funds through the
 247 John M. McKay Scholarship for Students with Disabilities Program
 248 pursuant to s. 1002.39 must submit the report by September 15 to
 249 the department. The agreed-upon procedures must be conducted in
 250 accordance with attestation standards established by the

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251 American Institute of Certified Public Accountants.

252

253 The department shall suspend the payment of funds ~~under ss.~~
 254 ~~1002.39 and 1002.395~~ to a private school that ~~knowingly~~ fails to
 255 comply with this subsection, and shall prohibit the school from
 256 enrolling new scholarship students, for 1 fiscal year and until
 257 the school complies.

258

259 ~~(5) If The inability of a private school fails to meet the~~
 260 ~~requirements of this subsection or has consecutive years of~~
 261 ~~material exceptions listed in the report required under~~
 262 ~~subsection (4), the commissioner may determine that the private~~
 263 ~~school is ineligible section shall constitute a basis for the~~
 264 ~~ineligibility of the private school to participate in a~~
 265 ~~scholarship program as determined by the department.~~

266 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

267 (a) The Department of Education shall:

268 1. Annually verify the eligibility of private schools that
 269 meet the requirements of this section, specific requirements
 270 identified within respective scholarship program laws, and other
 271 provisions of Florida law that apply to private schools.

272 2. Establish a toll-free hotline that provides parents and
 273 private schools with information on participation in the
 274 scholarship programs.

275 3. Establish a process by which individuals may notify the

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276 department of any violation by a parent, private school, or
 277 school district of state laws relating to program participation.
 278 If the department has reasonable cause to believe that a
 279 violation of this section or any rule adopted by the State Board
 280 of Education has occurred, it shall conduct an inquiry, or make
 281 a referral to the appropriate agency for an investigation. A
 282 department inquiry is not subject to the requirements of chapter
 283 120.

284 4. Require an annual, notarized, sworn compliance
 285 statement from participating private schools certifying
 286 compliance with state laws and retain such records.

287 5. Require the entity conducting the health inspection and
 288 the fire inspection for a private school to submit the
 289 inspection reports directly to the department.

290 6. Conduct site visits to private schools entering a
 291 scholarship program for the first time. A private school is not
 292 eligible to receive scholarship payments until a satisfactory
 293 site visit has been conducted and the school is in compliance
 294 with all other requirements in this section.

295 (b) The department may conduct site visits to any private
 296 school participating in a scholarship program pursuant to this
 297 chapter that has received a complaint about a violation of
 298 statute or state board rule pursuant to subparagraph (2) (a) 3. or
 299 has received a notice of noncompliance or a notice of proposed
 300 action within the previous 2 years.

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301 (c) Annually, by December 15, the department shall report
 302 to the Governor, the President of the Senate, and the Speaker of
 303 the House of Representatives the department's actions in
 304 implementing accountability in the scholarship programs under
 305 this section, any substantiated allegations or violations of law
 306 or rule by an eligible private school under this program, and
 307 the corrective action taken.

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

310 (a) Shall deny, suspend, or revoke a private school's
 311 participation in a scholarship program if it is determined that
 312 the private school has failed to comply with the provisions of
 313 this section or exhibits a previous pattern of failure to
 314 comply. However, if the noncompliance is correctable within a
 315 reasonable amount of time and if the health, safety, or welfare
 316 of the students is not threatened, the commissioner may issue a
 317 notice of noncompliance which provides the private school with a
 318 timeframe within which to provide evidence of compliance before
 319 taking action to suspend or revoke the private school's
 320 participation in the scholarship program.

321 (b) May deny, suspend, or revoke a private school's
 322 participation in a scholarship program if the commissioner
 323 determines that an owner or operator of the private school is
 324 operating or has operated an educational institution in this
 325 state or in another state or jurisdiction in a manner contrary

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326 to the health, safety, or welfare of the public or if the owner
 327 or operator has exhibited a previous pattern of failure to
 328 comply with this section or specific requirements identified
 329 within respective scholarship program laws. For purposes of this
 330 subsection, "owner or operator" has the same meaning as
 331 subparagraph (1)(p)1.

332 (c) In making such a determination, the commissioner may
 333 consider factors that include, but are not limited to, acts or
 334 omissions by an owner or operator which led to a previous
 335 denial, suspension, or revocation of participation in a state or
 336 federal education scholarship program; an owner's or operator's
 337 failure to reimburse the department or scholarship funding
 338 organization for scholarship funds improperly received or
 339 retained by a school; imposition of a prior criminal sanction
 340 related to an owner's or operator's management or operation of
 341 an educational institution; imposition of a civil fine or
 342 administrative fine, license revocation or suspension, or
 343 program eligibility suspension, termination, or revocation
 344 related to an owner's or operator's management or operation of
 345 an educational institution; or other types of criminal
 346 proceedings in which an owner or operator was found guilty of,
 347 regardless of adjudication, or entered a plea of nolo contendere
 348 or guilty to, any offense involving fraud, deceit, dishonesty,
 349 or moral turpitude.

350 (d) The commissioner's determination is subject to the

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351 following:

352 1. If the commissioner intends to deny, suspend, or revoke
 353 a private school's participation in the scholarship program, the
 354 department shall notify the private school of such proposed
 355 action in writing by certified mail and regular mail to the
 356 private school's address of record with the department. The
 357 notification shall include the reasons for the proposed action
 358 and notice of the timelines and procedures set forth in this
 359 paragraph.

360 2. The private school that is adversely affected by the
 361 proposed action shall have 15 days from receipt of the notice of
 362 proposed action to file with the department's agency clerk a
 363 request for a proceeding pursuant to ss. 120.569 and 120.57. If
 364 the private school is entitled to a hearing under s. 120.57(1),
 365 the department shall forward the request to the Division of
 366 Administrative Hearings.

367 3. Upon receipt of a request referred pursuant to this
 368 paragraph, the director of the Division of Administrative
 369 Hearings shall expedite the hearing and assign an administrative
 370 law judge who shall commence a hearing within 30 days after the
 371 receipt of the formal written request by the division and enter
 372 a recommended order within 30 days after the hearing or within
 373 30 days after receipt of the hearing transcript, whichever is
 374 later. Each party shall be allowed 10 days in which to submit
 375 written exceptions to the recommended order. A final order shall

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376 be entered by the agency within 30 days after the entry of a
 377 recommended order. The provisions of this subparagraph may be
 378 waived upon stipulation by all parties.

379 (e) The commissioner may immediately suspend payment of
 380 scholarship funds if it is determined that there is probable
 381 cause to believe that there is:

382 1. An imminent threat to the health, safety, or welfare of
 383 the students;

384 2. A previous pattern of failure to comply with this
 385 section; or

386 3. Fraudulent activity on the part of the private school.
 387 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
 388 activity pursuant to this section, the department's Office of
 389 Inspector General is authorized to release personally
 390 identifiable records or reports of students to the following
 391 persons or organizations:

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

396 b. A person or entity authorized by a court of competent
 397 jurisdiction in compliance with an order of that court or the
 398 attorney of record pursuant to a lawfully issued subpoena,
 399 consistent with the Family Educational Rights and Privacy Act,
 400 20 U.S.C. s. 1232g.

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

407
 408 The commissioner's order suspending payment pursuant to this
 409 paragraph may be appealed pursuant to the same procedures and
 410 timelines as the notice of proposed action set forth in
 411 paragraph (d).

412 ~~(4)-(6)~~ The inclusion of eligible private schools within
 413 options available to Florida public school students does not
 414 expand the regulatory authority of the state, its officers, or
 415 any school district to impose any additional regulation of
 416 private schools beyond those reasonably necessary to enforce
 417 requirements expressly set forth in this section.

418 ~~(5)-(7)~~ The State Board of Education shall adopt rules
 419 pursuant to ss. 120.536(1) and 120.54 to administer this
 420 section.

421 Section 2. Paragraph (e) of subsection (2), subsection
 422 (8), paragraph (a) of subsection (10), and paragraph (a) of
 423 subsection (11) of section 1002.385, Florida Statutes, are
 424 amended to read:

425 1002.385 The Gardiner Scholarship.—

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426 (2) DEFINITIONS.—As used in this section, the term:
 427 (e) "Eligible nonprofit scholarship-funding organization"
 428 or "organization" means a nonprofit scholarship-funding
 429 organization that is approved pursuant to s. 1002.395(15) ~~s.~~
 430 ~~1002.395(16)~~.

431 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 432 eligible private school may be sectarian or nonsectarian and
 433 shall:

434 (a) Comply with all requirements for private schools
 435 participating in state school choice scholarship programs
 436 pursuant to s. 1002.421.

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

Lines
50-57

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

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

Lines
88-95

444 (b)1.2. Annually administer or make administering or
 445 making provision for students participating in the program in
 446 grades 3 through 10 to take one of the nationally norm-
 447 referenced tests identified by the Department of Education or
 448 the statewide assessments pursuant to s. 1008.22. Students with
 449 disabilities for whom standardized testing is not appropriate
 450 are exempt from this requirement. A participating private school

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451 shall report a student's scores to the parent.

452 2.3. Administer ~~Cooperating with the scholarship student~~
453 ~~whose parent chooses to have the student participate in the~~
454 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~
455 ~~school chooses to offer the statewide assessments, administering~~
456 ~~the assessments at the school.~~

Lines
96-97

457 a. A participating private school may choose to offer and
458 administer the statewide assessments to all students who attend
459 the private school in grades 3 through 10 and must.

460 b. ~~A participating private school shall submit a request~~
461 ~~in writing to the Department of Education by March 1 of each~~
462 ~~year in order to administer the statewide assessments in the~~
463 ~~subsequent school year.~~

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

Lines
80-84

467 ~~(e) Provide a report from an independent certified public~~
468 ~~accountant who performs the agreed upon procedures developed~~
469 ~~under s. 1002.395(6)(o) if the private school receives more than~~
470 ~~\$250,000 in funds from scholarships awarded under this section~~
471 ~~in a state fiscal year. A private school subject to this~~
472 ~~paragraph must annually submit the report by September 15 to the~~
473 ~~organization that awarded the majority of the school's~~
474 ~~scholarship funds. The agreed upon procedures must~~
475 ~~be conducted in accordance with attestation standards~~

Lines
238-
252

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476 ~~established by the American Institute of Certified Public~~
 477 ~~Accountants.~~

478
 479 If a private school is unable to meet the requirements of this
 480 subsection ~~or has consecutive years of material exceptions~~ }
 481 ~~listed in the report required under paragraph (e), the~~ } Lines
 482 commissioner may determine that the private school is } 261-
 483 ineligible to participate in the program. } 264

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

485 (a) The Commissioner of Education:

486 1. May suspend or revoke program participation or use of
 487 program funds by the student or participation or eligibility of
 488 an organization, ~~eligible private school~~, eligible postsecondary }
 489 educational institution, approved provider, or other party for a } Line
 490 violation of this section. } 311

491 2. May determine the length of, and conditions for
 492 lifting, a suspension or revocation specified in this
 493 subsection.

494 3. May recover unexpended program funds or withhold
 495 payment of an equal amount of program funds to recover program
 496 funds that were not authorized for use.

497 4. Shall deny or terminate program participation upon a
 498 parent's forfeiture of a Gardiner Scholarship pursuant to
 499 subsection (11).

500 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM

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501 PARTICIPATION.—A parent who applies for program participation
 502 under this section is exercising his or her parental option to
 503 determine the appropriate placement or the services that best
 504 meet the needs of his or her child. The scholarship award for a
 505 student is based on a matrix that assigns the student to support
 506 Level III services. If a parent receives an IEP and a matrix of
 507 services from the school district pursuant to subsection (7),
 508 the amount of the payment shall be adjusted as needed, when the
 509 school district completes the matrix.

510 (a) To satisfy or maintain program eligibility, including
 511 eligibility to receive and spend program payments, the parent
 512 must sign an agreement with the organization and annually submit
 513 a notarized, sworn compliance statement to the organization to:

514 1. Affirm that the student is enrolled in a program that
 515 meets regular school attendance requirements as provided in s.
 516 1003.01(13)(b)-(d).

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

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

522 a. Requiring the student to take an assessment in
 523 accordance with paragraph (8)(b) ~~paragraph (8)(e)~~;

524 b. Providing an annual evaluation in accordance with s.
 525 1002.41(1)(c); or

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526 c. Requiring the child to take any preassessments and
 527 postassessments selected by the provider if the child is 4 years
 528 of age and is enrolled in a program provided by an eligible
 529 Voluntary Prekindergarten Education Program provider. A student
 530 with disabilities for whom a preassessment and postassessment is
 531 not appropriate is exempt from this requirement. A participating
 532 provider shall report a student's scores to the parent.

533 4. Affirm that the student remains in good standing with
 534 the provider or school if those options are selected by the
 535 parent.

536
 537 A parent who fails to comply with this subsection forfeits the
 538 Gardiner Scholarship.

539 Section 3. paragraph (b) of subsection (2), paragraph (h)
 540 of subsection (3), and subsections (6), (7), and (8) of section
 541 1002.39, Florida Statutes, are amended to read:

542 1002.39 The John M. McKay Scholarships for Students with
 543 Disabilities Program.—There is established a program that is
 544 separate and distinct from the Opportunity Scholarship Program
 545 and is named the John M. McKay Scholarships for Students with
 546 Disabilities Program.

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

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551 (b) The parent has obtained acceptance for admission of
 552 the student to a private school that is eligible for the program
 553 under subsection (7) ~~subsection (8)~~ and has requested from the
 554 department a scholarship at least 60 days before the date of the
 555 first scholarship payment. The request must be communicated
 556 directly to the department in a manner that creates a written or
 557 electronic record of the request and the date of receipt of the
 558 request. The department must notify the district of the parent's
 559 intent upon receipt of the parent's request.

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

562 (h) While he or she is not having regular and direct
 563 contact with his or her private school teachers at the school's
 564 physical location unless he or she is enrolled in the private
 565 school's transition-to-work program pursuant to subsection (9)
 566 ~~subsection (10)~~; or

567 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 568 shall:

569 ~~(a) Establish a toll-free hotline that provides parents~~
 570 ~~and private schools with information on participation in the~~
 571 ~~John M. McKay Scholarships for Students with Disabilities~~
 572 ~~Program.~~

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

575 ~~(c) Establish a process by which individuals may notify~~

Lines
273-
275

Lines
269-
272

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576 ~~the department of any violation by a parent, private school, or~~
 577 ~~school district of state laws relating to program participation.~~
 578 ~~The department shall conduct an inquiry of any written complaint~~
 579 ~~of a violation of this section, or make a referral to the~~
 580 ~~appropriate agency for an investigation, if the complaint is~~
 581 ~~signed by the complainant and is legally sufficient. A complaint~~
 582 ~~is legally sufficient if it contains ultimate facts that show~~
 583 ~~that a violation of this section or any rule adopted by the~~
 584 ~~State Board of Education has occurred. In order to determine~~
 585 ~~legal sufficiency, the department may require supporting~~
 586 ~~information or documentation from the complainant. A department~~
 587 ~~inquiry is not subject to the requirements of chapter 120.~~

Lines
276-
284

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

Lines
285-
287

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

594 ~~(f)1. Conduct random site visits to private schools~~
 595 ~~participating in the John M. McKay Scholarships for Students~~
 596 ~~with Disabilities Program. The purpose of the site visits is~~
 597 ~~solely to verify the information reported by the schools~~
 598 ~~concerning the enrollment and attendance of students, the~~
 599 ~~credentials of teachers, background screening of teachers, and~~
 600 ~~teachers' fingerprinting results, which information is required~~

Lines
291-
301

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601 ~~by rules of the State Board of Education, subsection (8), and s.~~
 602 ~~1002.421. The Department of Education may not make more than~~
 603 ~~three random site visits each year and may not make more than~~
 604 ~~one random site visit each year to the same private school.~~

Lines
291-
301

605 ~~2. Annually, by December 15, report to the Governor, the~~
 606 ~~President of the Senate, and the Speaker of the House of~~
 607 ~~Representatives the Department of Education's actions with~~
 608 ~~respect to implementing accountability in the scholarship~~
 609 ~~program under this section and s. 1002.421, any substantiated~~
 610 ~~allegations or violations of law or rule by an eligible private~~
 611 ~~school under this program concerning the enrollment and~~
 612 ~~attendance of students, the credentials of teachers, background~~
 613 ~~screening of teachers, and teachers' fingerprinting results and~~
 614 ~~the corrective action taken by the Department of Education.~~

Lines
302-
308

615 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.~~

616 ~~(a) The Commissioner of Education:~~

Entire
sub-
section
moved
to
lines
309-412

617 ~~1. Shall deny, suspend, or revoke a private school's~~
 618 ~~participation in the scholarship program if it is determined~~
 619 ~~that the private school has failed to comply with the provisions~~
 620 ~~of this section. However, if the noncompliance is correctable~~
 621 ~~within a reasonable amount of time and if the health, safety, or~~
 622 ~~welfare of the students is not threatened, the commissioner may~~
 623 ~~issue a notice of noncompliance which provides the private~~
 624 ~~school with a timeframe within which to provide evidence of~~
 625 ~~compliance before taking action to suspend or revoke the private~~

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626 ~~school's participation in the scholarship program.~~
 627 ~~2. May deny, suspend, or revoke a private school's~~
 628 ~~participation in the scholarship program if the commissioner~~
 629 ~~determines that an owner or operator of the private school is~~
 630 ~~operating or has operated an educational institution in this~~
 631 ~~state or in another state or jurisdiction in a manner contrary~~
 632 ~~to the health, safety, or welfare of the public.~~
 633 ~~a. In making such a determination, the commissioner may~~
 634 ~~consider factors that include, but are not limited to, acts or~~
 635 ~~omissions by an owner or operator which led to a previous denial~~
 636 ~~or revocation of participation in an education scholarship~~
 637 ~~program; an owner's or operator's failure to reimburse the~~
 638 ~~Department of Education for scholarship funds improperly~~
 639 ~~received or retained by a school; imposition of a prior criminal~~
 640 ~~sanction related to an owner's or operator's management or~~
 641 ~~operation of an educational institution; imposition of a civil~~
 642 ~~fine or administrative fine, license revocation or suspension,~~
 643 ~~or program eligibility suspension, termination, or revocation~~
 644 ~~related to an owner's or operator's management or operation of~~
 645 ~~an educational institution; or other types of criminal~~
 646 ~~proceedings in which an owner or operator was found guilty of,~~
 647 ~~regardless of adjudication, or entered a plea of nolo contendere~~
 648 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~
 649 ~~or moral turpitude.~~
 650 ~~b. For purposes of this subparagraph, the term "owner or~~

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651 ~~operator" includes an owner, operator, superintendent, or~~
 652 ~~principal of, or a person who has equivalent decisionmaking~~
 653 ~~authority over, a private school participating in the~~
 654 ~~scholarship program.~~

655 ~~(b) The commissioner's determination is subject to the~~
 656 ~~following:~~

657 ~~1. If the commissioner intends to deny, suspend, or revoke~~
 658 ~~a private school's participation in the scholarship program, the~~
 659 ~~department shall notify the private school of such proposed~~
 660 ~~action in writing by certified mail and regular mail to the~~
 661 ~~private school's address of record with the department. The~~
 662 ~~notification shall include the reasons for the proposed action~~
 663 ~~and notice of the timelines and procedures set forth in this~~
 664 ~~paragraph.~~

665 ~~2. The private school that is adversely affected by the~~
 666 ~~proposed action shall have 15 days from receipt of the notice of~~
 667 ~~proposed action to file with the department's agency clerk a~~
 668 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~
 669 ~~the private school is entitled to a hearing under s. 120.57(1),~~
 670 ~~the department shall forward the request to the Division of~~
 671 ~~Administrative Hearings.~~

672 ~~3. Upon receipt of a request referred pursuant to this~~
 673 ~~paragraph, the director of the Division of Administrative~~
 674 ~~Hearings shall expedite the hearing and assign an administrative~~
 675 ~~law judge who shall commence a hearing within 30 days after the~~

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676 ~~receipt of the formal written request by the division and enter~~
 677 ~~a recommended order within 30 days after the hearing or within~~
 678 ~~30 days after receipt of the hearing transcript, whichever is~~
 679 ~~later. Each party shall be allowed 10 days in which to submit~~
 680 ~~written exceptions to the recommended order. A final order shall~~
 681 ~~be entered by the agency within 30 days after the entry of a~~
 682 ~~recommended order. The provisions of this subparagraph may be~~
 683 ~~waived upon stipulation by all parties.~~

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

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

689 ~~2. Fraudulent activity on the part of the private school.~~
 690 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
 691 ~~activity pursuant to this section, the Department of Education's~~
 692 ~~Office of Inspector General is authorized to release personally~~
 693 ~~identifiable records or reports of students to the following~~
 694 ~~persons or organizations:~~

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

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

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701 ~~attorney of record pursuant to a lawfully issued subpoena,~~
 702 ~~consistent with the Family Educational Rights and Privacy Act,~~
 703 ~~20 U.S.C. s. 1232g.~~

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

710
 711 ~~The commissioner's order suspending payment pursuant to this~~
 712 ~~paragraph may be appealed pursuant to the same procedures and~~
 713 ~~timelines as the notice of proposed action set forth in~~
 714 ~~paragraph (b).~~

715 (7)(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 716 eligible to participate in the John M. McKay Scholarships for
 717 Students with Disabilities Program, a private school may be
 718 sectarian or nonsectarian and must:

719 (a) Comply with all requirements for private schools
 720 participating in state school choice scholarship programs
 721 pursuant to s. 1002.421.

722 (b) Provide to the department all documentation required
 723 for a student's participation, including the private school's
 724 and student's fee schedules, at least 30 days before any
 725 quarterly scholarship payment is made for the student pursuant

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726 to paragraph (10) (e) ~~paragraph (11) (e)~~. A student is not
 727 eligible to receive a quarterly scholarship payment if the
 728 private school fails to meet this deadline.

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

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

733 2. ~~Cooperating with the scholarship student whose parent~~
 734 ~~chooses to participate in the statewide assessments pursuant to~~
 735 ~~s. 1008.22.~~

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

738
 739 The failure inability of a private school to meet the
 740 requirements of this subsection or s. 1002.421 shall constitute
 741 a basis for the ineligibility of the private school to
 742 participate in the scholarship program as determined by the
 743 department.

744 Section 4. Paragraph (f) of subsection (2), paragraphs
 745 (n), (o), and (p) of subsection (6), and subsections (8), (9),
 746 and (11) of section 1002.395, Florida Statutes, are amended to
 747 read:

748 1002.395 Florida Tax Credit Scholarship Program.—

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

750 (f) "Eligible nonprofit scholarship-funding organization"

Lines
88-95

Lines
96-97

Lines
85-87

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751 means a state university; or an independent college or
 752 university that is eligible to participate in the William L.
 753 Boyd, IV, Florida Resident Access Grant Program, located and
 754 chartered in this state, is not for profit, and is accredited by
 755 the Commission on Colleges of the Southern Association of
 756 Colleges and Schools; or is a charitable organization that:

757 1. Is exempt from federal income tax pursuant to s.
 758 501(c)(3) of the Internal Revenue Code;

759 2. Is a Florida entity formed under chapter 605, chapter
 760 607, or chapter 617 and whose principal office is located in the
 761 state; and

762 3. Complies with subsections (6) and (15) ~~subsections (6)~~
 763 ~~and (16)~~.

764 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 765 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 766 organization:

767 (n) Must prepare and submit quarterly reports to the
 768 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~
 769 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding
 770 organization must submit in a timely manner any information
 771 requested by the Department of Education relating to the
 772 scholarship program.

773 (o)1.a. Must participate in the joint development of
 774 agreed-upon procedures ~~to be performed by an independent~~
 775 ~~certified public accountant as required under paragraph (8)(e)~~

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776 ~~if the scholarship funding organization provided more than~~
 777 ~~\$250,000 in scholarship funds to an eligible private school~~
 778 ~~under this section~~ during the 2009-2010 state fiscal year. The
 779 agreed-upon procedures must uniformly apply to all private
 780 schools and must determine, at a minimum, whether the private
 781 school has been verified as eligible by the Department of
 782 Education under s. 1002.421 ~~paragraph (9)(c)~~; has an adequate
 783 accounting system, system of financial controls, and process for
 784 deposit and classification of scholarship funds; and has
 785 properly expended scholarship funds for education-related
 786 expenses. During the development of the procedures, the
 787 participating scholarship-funding organizations shall specify
 788 guidelines governing the materiality of exceptions that may be
 789 found during the accountant's performance of the procedures. The
 790 procedures and guidelines shall be provided to private schools
 791 and the Commissioner of Education by March 15, 2011.

792 b. Must participate in a joint review of the agreed-upon
 793 procedures and guidelines developed under sub-subparagraph a.,
 794 by February of each biennium 2013 and biennially thereafter, if
 795 the scholarship-funding organization provided more than \$250,000
 796 in scholarship funds to an eligible private school under this
 797 ~~chapter section~~ during the state fiscal year preceding the
 798 biennial review. If the procedures and guidelines are revised,
 799 the revisions must be provided to private schools and the
 800 Commissioner of Education by March 15 of the year in which the

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801 revisions were completed. The revised agreed-upon procedures
 802 shall take effect the subsequent school year. For the 2018-2019
 803 school year only, the joint review of the agreed-upon procedures
 804 must be completed and the revisions submitted to the
 805 commissioner no later than September 15, 2018. The revised
 806 procedures are applicable to the 2018-2019 school year, 2013,
 807 and biennially thereafter.

808 c. Must monitor the compliance of a private school with
 809 s. 1002.421(1) paragraph (8)(e) if the scholarship-funding
 810 organization provided the majority of the scholarship funding to
 811 the school. For each private school subject to s. 1002.421(1)(q)
 812 paragraph (8)(e), the appropriate scholarship-funding
 813 organization shall annually notify the Commissioner of Education
 814 by October 30, ~~2011~~, and ~~annually thereafter~~ of:

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

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

819 2. Must seek input from the accrediting associations that
 820 are members of the Florida Association of Academic Nonpublic
 821 Schools when jointly developing the agreed-upon procedures and
 822 guidelines under sub-subparagraph 1.a. and conducting a review
 823 of those procedures and guidelines under sub-subparagraph 1.b.

824 (p) Must maintain the surety bond or letter of credit
 825 required by subsection (15) subsection (16). The amount of the

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826 surety bond or letter of credit may be adjusted quarterly to
 827 equal the actual amount of undisbursed funds based upon
 828 submission by the organization of a statement from a certified
 829 public accountant verifying the amount of undisbursed funds. The
 830 requirements of this paragraph are waived if the cost of
 831 acquiring a surety bond or letter of credit exceeds the average
 832 10-year cost of acquiring a surety bond or letter of credit by
 833 200 percent. The requirements of this paragraph are waived for a
 834 state university; or an independent college or university which
 835 is eligible to participate in the William L. Boyd, IV, Florida
 836 Resident Access Grant Program, located and chartered in this
 837 state, is not for profit, and is accredited by the Commission on
 838 Colleges of the Southern Association of Colleges and Schools.

839
 840 Information and documentation provided to the Department of
 841 Education and the Auditor General relating to the identity of a
 842 taxpayer that provides an eligible contribution under this
 843 section shall remain confidential at all times in accordance
 844 with s. 213.053.

845 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 846 eligible private school may be sectarian or nonsectarian and
 847 must:

848 (a) Comply with all requirements for private schools
 849 participating in state school choice scholarship programs
 850 pursuant to s. 1002.421.

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851 ~~(b) Provide to the eligible nonprofit scholarship funding~~
 852 ~~organization, upon request, all documentation required for the~~
 853 ~~student's participation, including the private school's and~~
 854 ~~student's fee schedules.~~

Lines
50-57

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

Lines
88-95

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

859 (b)1.2. ~~Annually administer or make administering or~~
 860 ~~making~~ provision for students participating in the scholarship
 861 program in grades 3 through 10 to take one of the nationally
 862 norm-referenced tests identified by the Department of Education
 863 or the statewide assessments pursuant to s. 1008.22. Students
 864 with disabilities for whom standardized testing is not
 865 appropriate are exempt from this requirement. A participating
 866 private school must report a student's scores to the parent. A
 867 participating private school must annually report by August 15
 868 the scores of all participating students to the Learning System
 869 Institute described in paragraph (9)(f) ~~paragraph (9)(j).~~

870 2. Administer ~~3. Cooperating with the scholarship student~~
 871 ~~whose parent chooses to have the student participate in the~~
 872 statewide assessments pursuant to s. 1008.22 ~~or~~, if a private
 873 school chooses to offer the statewide assessments, ~~administering~~
 874 ~~the assessments at the school.~~

Lines
96-97

875 a. A participating private school may choose to offer and

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876 administer the statewide assessments to all students who attend
 877 the private school in grades 3 through 10 and.

878 ~~b. A participating private school must submit a request in~~
 879 ~~writing to the Department of Education by March 1 of each year~~
 880 ~~in order to administer the statewide assessments in the~~
 881 ~~subsequent school year.~~

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

Lines
80-87

885 ~~(e) Provide a report from an independent certified public~~
 886 ~~accountant who performs the agreed upon procedures developed~~
 887 ~~under paragraph (6) (c) if the private school receives more than~~
 888 ~~\$250,000 in funds from scholarships awarded under this section~~
 889 ~~in a state fiscal year. A private school subject to this~~
 890 ~~paragraph must annually submit the report by September 15 to the~~
 891 ~~scholarship funding organization that awarded the majority of~~
 892 ~~the school's scholarship funds. The agreed upon procedures must~~
 893 ~~be conducted in accordance with attestation standards~~
 894 ~~established by the American Institute of Certified Public~~
 895 ~~Accountants.~~

Lines
238-
252

896
 897 The failure of ~~If a private school is unable to meet the~~
 898 requirements of this subsection shall constitute a basis for the
 899 ineligibility of the private school ~~or has consecutive years of~~
 900 ~~material exceptions listed in the report required under~~

Lines
261-
264

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901 ~~paragraph (e), the commissioner may determine that the private~~
 902 ~~school is ineligible~~ to participate in the scholarship program
 903 as determined by the Department of Education.

904 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
 905 Education shall:

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

909 (b) Annually verify the eligibility of nonprofit
 910 scholarship-funding organizations that meet the requirements of
 911 paragraph (2)(f).

912 ~~(c) Annually verify the eligibility of private schools~~ }
 913 ~~that meet the requirements of subsection (8).~~ } Lines

914 (c)(d) Annually verify the eligibility of expenditures as
 915 provided in paragraph (6)(d) using the audit required by
 916 paragraph (6)(m) and s. 11.45(2)(k).

917 ~~(e) Establish a toll free hotline that provides parents~~ }
 918 ~~and private schools with information on participation in the~~ } Lines
 919 ~~scholarship program.~~ } 273-
 275

920 ~~(f) Establish a process by which individuals may notify~~ }
 921 ~~the Department of Education of any violation by a parent,~~ }
 922 ~~private school, or school district of state laws relating to~~ } Lines
 923 ~~program participation. The Department of Education shall conduct~~ } 276-
 924 ~~an inquiry of any written complaint of a violation of this~~ } 284
 925 ~~section, or make a referral to the appropriate agency for an~~ }

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926 ~~investigation, if the complaint is signed by the complainant and~~
 927 ~~is legally sufficient. A complaint is legally sufficient if it~~
 928 ~~contains ultimate facts that show that a violation of this~~
 929 ~~section or any rule adopted by the State Board of Education has~~
 930 ~~occurred. In order to determine legal sufficiency, the~~
 931 ~~Department of Education may require supporting information or~~
 932 ~~documentation from the complainant. A department inquiry is not~~
 933 ~~subject to the requirements of chapter 120.~~

Lines
276-
284

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

Lines
285-
287

937 (d) ~~(h)~~ Cross-check the list of participating scholarship
 938 students with the public school enrollment lists to avoid
 939 duplication.

940 (e) ~~(i)~~ Maintain a list of nationally norm-referenced tests
 941 identified for purposes of satisfying the testing requirement in
 942 subparagraph (8)(c)2. The tests must meet industry standards of
 943 quality in accordance with State Board of Education rule.

944 (f) ~~(j)~~ Issue a project grant award to the Learning System
 945 Institute at the Florida State University, to which
 946 participating private schools must report the scores of
 947 participating students on the nationally norm-referenced tests
 948 or the statewide assessments administered by the private school
 949 in grades 3 through 10. The project term is 2 years, and the
 950 amount of the project is up to \$500,000 per year. The project

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951 grant award must be reissued in 2-year intervals in accordance
 952 with this paragraph.

953 1. The Learning System Institute must annually report to
 954 the Department of Education on the student performance of
 955 participating students:

956 a. On a statewide basis. The report shall also include, to
 957 the extent possible, a comparison of scholarship students'
 958 performance to the statewide student performance of public
 959 school students with socioeconomic backgrounds similar to those
 960 of students participating in the scholarship program. To
 961 minimize costs and reduce time required for the Learning System
 962 Institute's analysis and evaluation, the Department of Education
 963 shall coordinate with the Learning System Institute to provide
 964 data to the Learning System Institute in order to conduct
 965 analyses of matched students from public school assessment data
 966 and calculate control group student performance using an agreed-
 967 upon methodology with the Learning System Institute; and

968 b. On an individual school basis. The annual report must
 969 include student performance for each participating private
 970 school in which at least 51 percent of the total enrolled
 971 students in the private school participated in the Florida Tax
 972 Credit Scholarship Program in the prior school year. The report
 973 shall be according to each participating private school, and for
 974 participating students, in which there are at least 30
 975 participating students who have scores for tests administered.

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976 If the Learning System Institute determines that the 30-
 977 participating-student cell size may be reduced without
 978 disclosing personally identifiable information, as described in
 979 34 C.F.R. s. 99.12, of a participating student, the Learning
 980 System Institute may reduce the participating-student cell size,
 981 but the cell size must not be reduced to less than 10
 982 participating students. The department shall provide each
 983 private school's prior school year's student enrollment
 984 information to the Learning System Institute no later than June
 985 15 of each year, or as requested by the Learning System
 986 Institute.

987 2. The sharing and reporting of student performance data
 988 under this paragraph must be in accordance with requirements of
 989 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
 990 Educational Rights and Privacy Act, and the applicable rules and
 991 regulations issued pursuant thereto, and shall be for the sole
 992 purpose of creating the annual report required by subparagraph

993 1. All parties must preserve the confidentiality of such
 994 information as required by law. The annual report must not
 995 disaggregate data to a level that will identify individual
 996 participating schools, except as required under sub-subparagraph
 997 1.b., or disclose the academic level of individual students.

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

1000 (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding

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1001 organization of any of the organization's identified students
1002 who are receiving educational scholarships pursuant to chapter
1003 1002.

1004 (h)~~(l)~~ Notify an eligible nonprofit scholarship-funding
1005 organization of any of the organization's identified students
1006 who are receiving tax credit scholarships from other eligible
1007 nonprofit scholarship-funding organizations.

1008 (i)~~(m)~~ Require quarterly reports by an eligible nonprofit
1009 scholarship-funding organization regarding the number of
1010 students participating in the scholarship program, the private
1011 schools at which the students are enrolled, and other
1012 information deemed necessary by the Department of Education.

1013 ~~(n)1. Conduct site visits to private schools participating~~
1014 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~
1015 ~~the site visits is solely to verify the information reported by~~
1016 ~~the schools concerning the enrollment and attendance of~~
1017 ~~students, the credentials of teachers, background screening of~~
1018 ~~teachers, and teachers' fingerprinting results. The Department~~
1019 ~~of Education may not make more than seven site visits each year,~~
1020 ~~however, the department may make additional site visits at any~~
1021 ~~time to any school that has received a notice of noncompliance~~
1022 ~~or a notice of proposed action within the previous 2 years.~~

1023 ~~2. Annually, by December 15, report to the Governor, the~~
1024 ~~President of the Senate, and the Speaker of the House of~~
1025 ~~Representatives the Department of Education's actions with~~

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301

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1026 ~~respect to implementing accountability in the scholarship~~
 1027 ~~program under this section and s. 1002.421, any substantiated~~
 1028 ~~allegations or violations of law or rule by an eligible private~~
 1029 ~~school under this program concerning the enrollment and~~
 1030 ~~attendance of students, the credentials of teachers, background~~
 1031 ~~screening of teachers, and teachers' fingerprinting results and~~
 1032 ~~the corrective action taken by the Department of Education.~~

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1033 (j)~~(e)~~ Provide a process to match the direct certification
 1034 list with the scholarship application data submitted by any
 1035 nonprofit scholarship-funding organization eligible to receive
 1036 the 3-percent administrative allowance under paragraph (6)(j).

1037 (k)~~(p)~~ Upon the request of a participating private school,
 1038 provide at no cost to the school the statewide assessments
 1039 administered under s. 1008.22 and any related materials for
 1040 administering the assessments. Students at a private school may
 1041 be assessed using the statewide assessments if the addition of
 1042 those students and the school does not cause the state to exceed
 1043 its contractual caps for the number of students tested and the
 1044 number of testing sites. The state shall provide the same
 1045 materials and support to a private school that it provides to a
 1046 public school. A private school that chooses to administer
 1047 statewide assessments under s. 1008.22 shall follow the
 1048 requirements set forth in ss. 1008.22 and 1008.24, rules adopted
 1049 by the State Board of Education to implement those sections, and
 1050 district-level testing policies established by the district

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1051 school board.

1052 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.~~

1053 ~~(a)1. The Commissioner of Education shall deny, suspend,~~

1054 ~~or revoke a private school's participation in the scholarship~~

1055 ~~program if it is determined that the private school has failed~~

1056 ~~to comply with the provisions of this section. However, in~~

1057 ~~instances in which the noncompliance is correctable within a~~

1058 ~~reasonable amount of time and in which the health, safety, or~~

1059 ~~welfare of the students is not threatened, the commissioner may~~

1060 ~~issue a notice of noncompliance that shall provide the private~~

1061 ~~school with a timeframe within which to provide evidence of~~

1062 ~~compliance prior to taking action to suspend or revoke the~~

1063 ~~private school's participation in the scholarship program.~~

1064 ~~2. The Commissioner of Education may deny, suspend, or~~

1065 ~~revoke a private school's participation in the scholarship~~

1066 ~~program if the commissioner determines that:~~

1067 ~~a. An owner or operator of a private school has exhibited~~

1068 ~~a previous pattern of failure to comply with this section or s.~~

1069 ~~1002.421, or~~

1070 ~~b. An owner or operator of the private school is operating~~

1071 ~~or has operated an educational institution in this state or~~

1072 ~~another state or jurisdiction in a manner contrary to the~~

1073 ~~health, safety, or welfare of the public.~~

1074

1075 ~~In making the determination under this subparagraph, the~~

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1076 ~~commissioner may consider factors that include, but are not~~
 1077 ~~limited to, acts or omissions by an owner or operator that led~~
 1078 ~~to a previous denial or revocation of participation in an~~
 1079 ~~education scholarship program; an owner's or operator's failure~~
 1080 ~~to reimburse the Department of Education or a nonprofit~~
 1081 ~~scholarship funding organization for scholarship funds~~
 1082 ~~improperly received or retained by a school; imposition of a~~
 1083 ~~prior criminal sanction, civil fine, administrative fine,~~
 1084 ~~license revocation or suspension, or program eligibility~~
 1085 ~~suspension, termination, or revocation related to an owner's or~~
 1086 ~~operator's management or operation of an educational~~
 1087 ~~institution; or other types of criminal proceedings in which the~~
 1088 ~~owner or operator was found guilty of, regardless of~~
 1089 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~
 1090 ~~any offense involving fraud, deceit, dishonesty, or moral~~
 1091 ~~turpitude.~~

1092 ~~(b) The commissioner's determination is subject to the~~
 1093 ~~following:~~

1094 ~~1. If the commissioner intends to deny, suspend, or revoke~~
 1095 ~~a private school's participation in the scholarship program, the~~
 1096 ~~Department of Education shall notify the private school of such~~
 1097 ~~proposed action in writing by certified mail and regular mail to~~
 1098 ~~the private school's address of record with the Department of~~
 1099 ~~Education. The notification shall include the reasons for the~~
 1100 ~~proposed action and notice of the timelines and procedures set~~

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1101 ~~forth in this paragraph.~~

1102 ~~2. The private school that is adversely affected by the~~
 1103 ~~proposed action shall have 15 days from receipt of the notice of~~
 1104 ~~proposed action to file with the Department of Education's~~
 1105 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~
 1106 ~~and 120.57. If the private school is entitled to a hearing under~~
 1107 ~~s. 120.57(1), the Department of Education shall forward the~~
 1108 ~~request to the Division of Administrative Hearings.~~

1109 ~~3. Upon receipt of a request referred pursuant to this~~
 1110 ~~paragraph, the director of the Division of Administrative~~
 1111 ~~Hearings shall expedite the hearing and assign an administrative~~
 1112 ~~law judge who shall commence a hearing within 30 days after the~~
 1113 ~~receipt of the formal written request by the division and enter~~
 1114 ~~a recommended order within 30 days after the hearing or within~~
 1115 ~~30 days after receipt of the hearing transcript, whichever is~~
 1116 ~~later. Each party shall be allowed 10 days in which to submit~~
 1117 ~~written exceptions to the recommended order. A final order shall~~
 1118 ~~be entered by the agency within 30 days after the entry of a~~
 1119 ~~recommended order. The provisions of this subparagraph may be~~
 1120 ~~waived upon stipulation by all parties.~~

1121 ~~(c) The commissioner may immediately suspend payment of~~
 1122 ~~scholarship funds if it is determined that there is probable~~
 1123 ~~cause to believe that there is:~~

1124 ~~1. An imminent threat to the health, safety, and welfare~~
 1125 ~~of the students;~~

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1126 2. ~~A previous pattern of failure to comply with this~~
 1127 ~~section or s. 1002.421, or~~
 1128 3. ~~Fraudulent activity on the part of the private school.~~
 1129 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
 1130 ~~activity pursuant to this section, the Department of Education's~~
 1131 ~~Office of Inspector General is authorized to release personally~~
 1132 ~~identifiable records or reports of students to the following~~
 1133 ~~persons or organizations:~~
 1134 a. ~~A court of competent jurisdiction in compliance with an~~
 1135 ~~order of that court or the attorney of record in accordance with~~
 1136 ~~a lawfully issued subpoena, consistent with the Family~~
 1137 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~
 1138 b. ~~A person or entity authorized by a court of competent~~
 1139 ~~jurisdiction in compliance with an order of that court or the~~
 1140 ~~attorney of record pursuant to a lawfully issued subpoena,~~
 1141 ~~consistent with the Family Educational Rights and Privacy Act,~~
 1142 ~~20 U.S.C. s. 1232g.~~
 1143 e. ~~Any person, entity, or authority issuing a subpoena for~~
 1144 ~~law enforcement purposes when the court or other issuing agency~~
 1145 ~~has ordered that the existence or the contents of the subpoena~~
 1146 ~~or the information furnished in response to the subpoena not be~~
 1147 ~~disclosed, consistent with the Family Educational Rights and~~
 1148 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~
 1149
 1150 ~~The commissioner's order suspending payment pursuant to this~~

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1151 ~~paragraph may be appealed pursuant to the same procedures and~~
1152 ~~timelines as the notice of proposed action set forth in~~
1153 ~~paragraph (b).~~

1154 Section 5. This act shall take effect July 1, 2018.

DRAFT