

2017 Legislation

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Omnibus Education Bill

HB 7069 – Education By: House Education Committee Effective Date: July 1, 2017 Approved by Governor:

Section 1. Amends s. 11.45, F.S., relating to Definition; duties; authorities; reports; rules. - Requires the Auditor General to annually audit the Florida School for the Deaf and Blind as is required for school boards in counties with populations of fewer than 150,000.

Section 2. Amends s. 1002.71, F.S., relating to Funding; financial and attendance reporting. – Prohibits the amendment of Early Learning Coalition student enrollment counts after September 30th rather than December 31st, which had previously been the deadline.

Section 3. Repeals s. 1003.53(21), F.S., relating to Educational services in Department of Juvenile Justice programs. – Repeals a subsection that requires the Department of Education to operate the Florida School for Boys in Okeechobee directly or through a contract. The program has been operated by the Washington County School Districts as the “Washington Special” district. Proviso language in the General Appropriations Act (GAA) direct that the FTE enrollment for the school be incorporated into the FTE projections for the school district with the responsibility for its operations.

Section 4. Amends s. 1011.62 relating to Funds for operation of schools. – Amends several sections and in addition to technical changes that amend word choices or delete obsolete language, the most important changes impact the Exceptional Student Education (ESE) Allocation, the Supplemental Academic Instructional (SAI) Allocation, and the Digital Classrooms Allocation.

ESE Allocation – Requires the ESE allocation to be recalculated during the year in all FTE surveys.

SAI Allocation – Amends language to insert into statute the language providing an extra hour of reading instruction every day for the entire school year in the 300 elementary schools with the lowest scores on the state reading assessments. The language is virtually the same as the language that was in the prior year GAA proviso language and the accompanying implementing bill. The language requires that the scores on the prior year reading assessment would

determine the lowest scoring 300 elementary schools. It deletes obsolete language referencing the original assessments used to determine the lowest scoring elementary schools.

New language is added to establish the method by which the SAI allocation is calculated. It provides that there be a base allocation with a workload adjustment, and an additional calculation to determine additional funds to be provided to districts with one or more of the 300 elementary schools with the lowest reading schools to pay the cost of providing the extra hour of instruction. The method placed into the statute and used in the proviso language is the same method used in the GAA in the 2016-2017 FY and in the 2017-2018 FY Final Conference Report or General Appropriations Act.

Small Isolated Schools – Revises the language that had provided that small isolated high schools, as defined by the statute would be allowed to multiply the UFTE student enrollment by 2.75. The change makes the section of law apply to small isolated elementary schools as well. A specific definition of a small isolated school is provided and seems to limits the application to Steinhatchee Elementary School in Taylor County.

Out of State Dual Enrollment for Private Colleges and Universities – Amends previous law to allow students to enroll in out of state private colleges and universities as dual enrollment students if the out of state college or university is accredited by a regional or national accrediting agency recognized by the United States Department of Education. Previously the law limited dual enrollment payments to private colleges and universities located and chartered in Florida.

Teacher Bonuses for Teachers of Accelerated Courses – Removes all caps on the bonuses that can be earned by teachers of International Baccalaureate (IB), Advanced Placement (AP), Advanced International Certificate of Education (AICE) and CAPE Industry Certification courses. The bill also requires that 80 percent of the AICE add- on weighted bonus FTE be allocated to the school program that generated the revenue.

Estimated School Taxable Value – Updates a statutory reference.

Sparsity Supplement – Modifies the method of calculating the eligibility for the Sparsity Supplement of districts between 20,000 and 24,000 students. The

language has been in proviso for the past several years. The language makes Hernando County Public Schools eligible for the Sparsity Supplement.

Research Based Reading Supplement – Requires districts with one or more of the 300 elementary schools with the lowest reading scores to give priority to providing the extra hour of reading instruction with the funds from the allocation. The other changes make the section consistent with the changes made in the language for the

SAI allocation regarding the determination of the lowest 300 schools. The bill repeals obsolete language that restricted the hiring of reading coaches in previous years. A provision is added to the language relating to professional development to authorize the district to use funds from the reading allocation to help district teachers earn a certification or endorsement in reading. The bill requires districts with one or more of the 300 lowest performing elementary schools to delineate in the comprehensive reading plan, or in an addendum, the systematic reading intervention strategies that will be used during the extra hour of instruction.

Virtual Education Contribution – Updates a statutory reference to reflect the changes made to open eligibility for virtual instruction to students no previously enrolled in an FEP program.

Digital Classroom Allocation – Makes substantial changes and states that the allocation is provided to ensure students have access to high quality digital and electronic materials and the devices that are required to use the materials, and empower classroom teachers to help their students succeed. The formula for the allocation is the same as was applied in the prior year. Each district will receive a minimum allocation as stipulated in the GAA, and the balance will be distributed on a per FTE student basis. The bill stipulates that the funds must be used for costs associated with:

- Acquiring and maintaining the items on the eligible services list authorized by the Universal Service Administrative Company for the Schools and Libraries Program, more commonly referred to as the federal E-rate program.
- Acquiring computer and device hardware and associates operating system software that complies with s. 1001.20(4)()1.b. which states that the Department of Education will identify minimum technology

requirements that include specifications for hardware, software, devices, networking, security, and bandwidth capacity and guidelines for the ratio of students per device. The bill also allows the funds to be used to provide professional development including in-state conference attendance or online coursework to enhance the use of digital instructional strategies. The proviso language in the GAA limits professional development to 20 percent of the revenue for the district. Proviso language in the GAA also stipulates that professional development costs are limited to 20 percent of the allocation. The bill repeals the requirement for an extensive district digital classrooms plan.

Federally Connected Student Supplement – Makes technical changes in the language. Adds languages to require that the amount of the allocation for each school district must be recalculated to reflect the reported student enrollment and the tax- exempt valuation from the most recent assessment roll.

Safe Schools Allocation – Codifies the Safe Schools Allocation. Previously there was extensive proviso language specifying the required uses of the Safe Schools Allocation. That proviso language is removed from the GAA, and the bill provides a more simplified direction for the use of the allocation. The bill states: “A safe schools allocation is created to provide funding to assist school districts in their compliance with ss. 1006.07-1006.148, (school safety and security) with priority given to establishing a school resource officer program pursuant so s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, two-thirds shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be allocated based on each school district’s proportionate share of the state’s total unweighted full-time equivalent student enrollment.”

Total Allocation of State Funds – Provides that an under allocation of funds in the past year caused by a district error may not be the basis of a positive adjustment of funds in the current year.

Section 5. Amends s. 1013.738, F.S., relating to High Growth District Capital Outlay Assistance Grant Program. – The High Growth District Capital

Outlay Grant Program was created in 2005 to provide funding to construct new student stations for school districts that met specified criteria. However, the program has never been implemented. The bill modifies the qualification requirements and funding methodology for the program. Changes include:

- Funds may only be used for the purposes identified in s. 1011.71(2), Florida Statutes.
- A district must have levied the maximum millage for the last 5 years (changes from 4 years).
- A district must have received revenue from a current voted school capital outlay sales surtax or a portion of the local government infrastructure surtax authorized in s. 212.055, Florida Statutes.
- A district's revenue derived from the 1.5 discretionary millage, when divided by the Capital Outlay Full Time Equivalent (COFTE) students must produce a value less than the statewide average maximum potential funds per COFTE for the most recent fiscal year.
- A district's growth must have been 1 percent greater than the statewide average for the last 5 years.
- The total capital outlay FTE students of the district must be greater than 24,000 (formerly 15,000).
- The calculated made by the Department of Education is modified to incorporate the changes to the program.

Section 6. Amends s. 1011.78, F.S., relating to Standard student attire incentive payments. – Deletes the following requirements for the program: “Solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long- sleeved shirts with collars.”

Section 7. Creates s. 1003.631, F.S., relating to Schools of Excellence. – Establishes the Schools of Excellent Program to provide administrative flexibility to the state's top schools. The bill requires the State Board of Education to designate a school as a School of Excellence if the school's percentage of possible points earned in its school grade calculation is in the 80th percentile or higher for schools comprised of the same grade groupings (elementary, middle, high, or combination) for at least 2 of the last 3 school years.

The school retains the designation for up to 3 years, and at the end may renew the designation if the 80th percentile is maintain for 2 of the previous 3 years; and the school did not receive a grade lower than a “B” during any of the previous 3 years. A school that earns a grade lower than a “B” may no longer be designated as a School of Excellence during the remainder of the 3-year period and loses the specified administrative flexibilities.

A School of Excellence is provided the following administrative flexibilities:

- Exemption from any provision of law or rule that expressly requires a minimum period of daily or weekly instruction in reading.
- The same autonomy over personnel and budgetary decisions for the school’s principal as provided to principals participating in the Principal Autonomy Pilot Project Initiative.
 - The authority to select the placement or refuse to accept the place or transfer of qualified instructional personnel by the school superintendent;
 - The authority to deploy financial resources to school programs at the principal’s discretion to help improve student achievement; and
 - The responsibility to annually provide a budget for the operations of the participating school to the superintendent and the school board.
- Exemption for district-set starting and ending times for the school day
- Allowing a teacher to substitute 1 school year of employment at a School of Excellent for 20 inservice points toward the renewal of the professional certificate, up to 60 inservice points.
- Calculation for compliance with maximum class size at the school level rather than the classroom level.

Section 8. Amends s. 1012.56, F.S., relating to Educator certification requirement. – Streamlines the application process for a teaching certificate. The Department of Education must issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request. The department must electronically notify the applicant’s employer that the temporary certificate has been issued and provide the applicant an official statement of status of eligibility at the time the certificate is issued. The department must

issue a statement of non-eligibility within 90 calendar days after receipt of a complete application. The status of eligibility must be provided electronically. Each method by which an applicant can complete the qualifications for a professional certificate must be included in the statement of status of eligibility.

The bill provides an additional avenue for obtaining professional certification. An applicant who completes a professional preparation and education competence program and is rated highly effective as determined by his or her performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

At least 1 year before an individual's temporary certificate is set to expire, the department must electronically notify the individual of the date on which the certificate will expire and provide a list of each method by which the qualifications for a professional certificate may be completed. A temporary certificate may be extended for 1 additional year if the teacher is rated highly effective or effective only on a Value Added Model (VAM).

The bill provides that a charter school and charter management organization may also provide a competency-based certification program for candidates to achieve professional certification.

A teacher mentorship and induction component is now a required component of the competency-based professional development certification program. A teacher selected as a mentor must have completed specialized training in clinical supervision and participate in ongoing mentor training. The teacher mentorship and induction component must, at a minimum, provide weekly opportunities for mentoring and induction activities. These include common planning time, ongoing professional development targeted to a teacher's needs, opportunities for a teacher to observe other teachers, co-teaching experiences, and reflection and follow-up discussion. Mentorship and induction activities must be provided for an applicant's first year in the program and may be provided until the applicant attains his or her professional certificate. A principal who is rated highly effective must be provided flexibility in selecting professional development activities; however, the activities must be approved by the department.

No later than December 31, 2017, the department must adopt standards for the approval of professional development certification and education competency programs, including standards for the teacher mentorship and induction component. Standards for the teacher mentorship and induction component must include program administration and evaluation; mentor roles, selection, and training; beginning teacher assessment and professional development; and teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices. Each school district with a must submit its program, including the teacher mentorship and induction component, to the department for approval no later than June 30, 2018. After December 31, 2018, a teacher may not satisfy requirements for a professional certificate through a professional development certification and education competency unless the program has been approved by the department.

Section 9. Amends s. 1004.04, F.S., relating to Public accountability and state approval for teacher preparation programs. – Provides that the rules to establish a uniform core curricula for each state-approved teacher preparation program must include scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.

Section 10. Amends s. 1004.85, F.S., relating to Postsecondary educator preparation institutes. – Provides that an institute's competency-based program include scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.

Section 11. Amends s. 1012.585, F.S., relating to Process for renewal of professional certificates. – Provides that participation in mentorship and induction activities, including as a mentor and reading literacy, including explicit, systematic, and sequential approaches to reading instruction, etc. are included as areas that may be applied toward credit or points for any specialization area. However, certain credits or points may not be applied in specialization areas identified by State Board of Education rule that include

reading instruction or intervention for any students in kindergarten through grade 6. In addition, credits or points earned through approved summer institutes, etc. may not be used to satisfy the certain specialization requirements.

An applicant for renewal of a professional certificate in any area of certification that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of 2 college credits or the equivalent inservice points in the use of explicit, systematic, and sequential approaches to reading instruction, developing phonemic awareness, and implementing multisensory intervention strategies. Such training must be provided by teacher preparation programs or approved school district professional development systems. The requirements may not add to the total hours required by the department for continuing education or inservice training.

Section 12. Amends s. 1012.56, F.S., relating to Additions or changes to certificates; duplicate certificates. – Provides that the Department of Education may recommend the consolidation of endorsement areas and requirements to the State Board of Education in order to reduce duplication.

In addition, by July 1, 2018, and at least once every 5 years thereafter, the department must conduct a review of existing subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas. The must include reciprocity requirements for out-of-state certificates and requirements for demonstrating competency in the reading instruction. At the conclusion of each review, the department must recommend to the state board changes to the subject coverage or endorsement requirements based upon any identified instruction or intervention strategies proven to improve student reading performance. This review does not authorize the state board to establish any new certification subject coverage.

Section 13. Amends s. 1012.98, F.S., relating to School Community Professional Development Act. – Adds activities and responsibilities to implement the act to include:

- Providing training to teacher mentors as part of the professional development certification and education competency program.
- Providing that a district's professional development system must

include inservice activities and support targeted to the individual needs of new teachers participating in the professional development certification and education competency program.

- Providing that a districts professional development system must provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills.
- Requires that each district must provide that instructional personnel from all elementary grades access to training sufficient to meet the additional 2 college credits required for certificate renewal with a validity date beginning July 1, 2020 and thereafter.

Section 14. Creates s. 683.1455, F.S., relating to American Founders' Month. – Designates September of each year as “American Founders’ Month.” Authorizes the Governor to annually issue a proclamation designating September as “American Founders’ Month” and urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize and observe this occasion through appropriate programs, meetings, services, or celebrations.

Section 15. Amends s. 1000.03, F.S., relating to Function, mission and goals of the Florida K-20 education system. – Adds as a priority of the K-20 education system – Civic literacy. Students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.

Section 16. Amends s. 1001.215, F.S., relating to Just Read, Florida! Office. – Provides that the office must

- Train reading coaches, not just highly effective reading coaches.
- Work with the Lastinger Center for Learning at the University of Florida to develop training for K-12 teachers including reading coaches and principals on the integration of content-rich curriculum from other core subject areas into reading instruction and evidence-based reading strategies.
- Work with the Florida Center for Reading Research to identify scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and

sequential approaches to teaching phonemic awareness, etc.

- Periodically review ELA standards to determine their appropriateness at each grade level.
- Periodically review teacher certification requirements to ascertain whether the requirements and examinations measure the skills needed for evidence-based reading.
- Work with teacher preparation programs to integrate effective research-based and evidence-based reading instructional and intervention strategies.

Section 17. Amends s. 1003.44, F.S., relating to Patriotic programs; rules.

– Provides that all public school are encouraged to coordinate, at all grade levels, instruction related to the nation’s founding fathers with “American Founders’ Month.”

Section 18. Amends s. 1007.25, F.S., relating to General education courses; common prerequisites; other degree requirements.

– Provides that beginning with students initially entering a Florida College System institution or state university in the 2018-2019 school year and thereafter, each student must demonstrate competency in civic literacy. Students may demonstrate competency by either taking a course or achieving a passing score on an assessment. Requires for the adoption of an assessment. Requires the State Board of Education and Board of Governors Chairs to jointly appoint a faculty committee to develop a new course in civic literacy or revise existing courses to include civic literacy, etc.

Section 19. Amends s. 943.22, F.S., relating to Salary incentive program for full- time officers.

– Conforms a cross-reference.

Section 20. Amends s. 1001.64, F.S., relating to Florida College System institution boards of trustees; powers and duties.

– Conforms a cross-reference.

Section 21. Amends s. 1002.33, F.S., relating to Charter schools.

– Makes comprehensive changes to the charter school statute. This review will report the changes by amended

subsection.

Subsection (1) AUTHORIZATION – Clarifies that charter schools are part of the state’s program of public education. Requires that a district in which a student enrolls in the virtual charter school must report the student for funding pursuant to s. 1011.61(1)(c)1.b.(VI) (*A full-time equivalent student for students in kindergarten through grade 12 in a part-time virtual instruction program under s. 1002.45 shall consist of six full-credit completions in programs listed in s. 1011.62(1)(c)1. and 3. Credit completions may be a combination of full-credit courses or half-credit courses*). The home school district must not report the student for funding. Corrects cross references.

Subsection (6) APPLICATION PROCESS AND REVIEW - Requires a person to submit an application on the standard rather than a model application form prepared by the Department of Education.

Beginning in 2018 and thereafter, a sponsor must receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.

Language relating to draft applications and application fees is repealed.

A sponsor must approve or deny an application no later than 90, rather than 60, calendar days after the application is received.

The application of a high-performing charter school system may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that certain criteria are not met. Currently, this applies only to a high-performing charter school. Conforms language to include charter school system. Modifies the appeals process for high-performing charter schools and systems. High performing charter schools and systems are reviewed under the same parameters and are required to use the standard appeal process instead of being expedited to the State Board of Education.

Subsection (7) CHARTER - The ability of a sponsor to negotiate a contract are severely constricted. The terms and conditions for the operation of a charter school must be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school must use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. Language stating that the major issues involving the operation of a charter school must be considered in advance and written into the contract is repealed.

Students in a blended learning course no longer are required to receive the online instruction in a classroom setting at the charter school.

The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract

must be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor.

The Department of Education must provide mediation services for any dispute subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding the charter school

statute, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge must award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against.

Subsection (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER. – Requires sponsor to notify the governing board of a charter school of proposed action in writing relating to nonrenewal of the charter in addition to renewal or termination.

Subsection (9) CHARTER SCHOOL REQUIREMENTS. – Requires specific corrective actions if a charter school earns three consecutive grades below a “C.” The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a “C.” The charter school no longer is required to implement corrective action if it improves to a “C” or higher rather than just improving by one letter grade. If the charter school does not improve to a “C” or higher after 2 full school years, a different correction action must be selected. Repeals language that requires the charter that improves a letter grade to continue to implement certain strategies. Conforms cross references.

Subsection (10) ELIGIBLE STUDENTS. – Exempts a charter school from the requirements of controlled open enrollment if the school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

Subsection (12) EMPLOYEES OF CHARTER SCHOOLS. – Provides that the charter school, including the governing body and employees enjoy sovereign immunity. However, this does not include any for-profit entity contracted by the charter school or its governing body.

Subsection (13) CHARTER SCHOOL COOPERATIVES. – Expands the authority of charter schools to enter into cooperative agreements to form charter school cooperative organizations that may provide services to further educational, operational, and administrative initiatives.

Subsection (17) FUNDING. – Provides for charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets

identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets must be used in accordance with s. 1011.62 (Funds for Operation of Schools) and any unrestricted capital assets must be used in accordance with s. 1013.62(2) (Charter School Capital Outlay).

Repeals language that requires eligible students enrolled in charter schools be provided federal funds for the same level of service provides students in schools operated by the district school board. This language sets the stage for the changes the allocation of federal dollars to charter schools and the provisions authorizing specified charter schools to become a Local Education Agency.

Subsection (18) FACILITIES. – Prohibits a local governing authority to adopt or impose any local building requirements or site-development restrictions. In addition, any library, community service, museum, performing arts, theatre, cinema, church, Florida College system institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

Subsection (19) CAPITAL OUTLAY FUNDING. – Authorizes charter schools to be eligible for capital outlay funds pursuant to the new provisions appropriating local discretionary millage to charter schools.

Subsection (20) SERVICES. – A sponsor may withhold an administrative fee for the provision of administrative and educational services that must be a percentage of the available funds that are calculated based on the weighted FTE students. If the charter school serves 75 percent or more exceptional education students, the percentage shall be calculated based on unweighted FTE students. The administrative fee is calculated as follows:

- Up to 5 percent for enrollment of up to and includes 250 students in a charter school.
- Up to 5 percent for enrollment of up to and including 500 students within a charter school system that meets all of the specified criteria:
 - Includes conversion and nonconversion charter school.

- All schools located in the same county.
- Has a total enrollment exceeding the total enrollment of at least one school district in Florida.
- Has the same governing board for all of its schools.
- Does not contract with a for-profit service provider for management services
- Up to 5 percent for enrollment of up to and including 250 students in a virtual charter school.
- Up to 2 percent for enrollment of up to and including 250 students in a high- performing charter school.

A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to the above provisions.

Each charter school must annually complete and submit a survey, provided in a format specified by the Department of Education, to rate the timeliness and quality of services provided by the district in accordance with this section. The department must compile the results, by district, and include the results in the annual report.

Subsection (21) PUBLIC INFORMATION ON CHARTER SCHOOLS. – Refers to a standard application form rather than a model application form. Repeals language requiring a comparison of charter school student performance data with student performance data in traditional public schools. This also deletes comparisons of alternative schools.

Subsection (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS. – Currently, the designation of a charter school system as a local educational agency (LEA) is limited and only apply to Lake Wales. This language significantly expands the charter school systems that could be designated as a local educational agency. The requirement that the system must include both conversion and nonconversion charter schools, and the requirement that the system does not contract with a for-profit service provider for management of school operations is repealed.

In addition, language is added to provide that a charter school system's governing board may be designated a LEA for the purpose of receiving federal

funds for all schools within a school district that are established pursuant to s. 1008.33 (school improvement, schools of hope) and are under the jurisdiction of the governing board. The governing board must adopt and file a resolution with its sponsoring district school board and the Department of Education and accept full responsibility for all local educational agency requirements.

Subsection (28) RULEMAKING. – Requires the State Board of Education to adopt rules to implement a standard charter application form and a standard application form for the replication of charter schools in a high-performing charter school system.

Section 22. Amends s. 1002.3305, F.S., relating to College-preparatory Boarding Academy Pilot Program for at-risk students. – Expands the grades that the SEED school may serve to include grades 5 through 12, if it is determined by the operator that a seat is available.

Section 23. Amends s. 1002.33, F.S., relating to High-performing charter schools. – Extends from 60 to 90 days the time that a sponsor may have to act on an application for a high-performing charter school. If the sponsor fails to act within the 90 days, the application is deemed approved and the procedure in s. 1002.33(7) applies (mediation/DOAH).

The bill authorizes a high-performing charter school to establish more than one charter school within the state in any year if it operates in the area of a persistently low-performing school and serves students from that school.

Section 24. Amends s. 1002.332, F.S., relating to High-performing charter school system. – Authorizes the replication of schools in a high-performing charter school system in any school district in the state. The applicant must submit an application using the standard application form prepared by the Department of Education. The application must:

- Contains goals and objectives for improving student learning and a process for measuring student improvement.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing

board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider when deciding whether to approve or deny the application.

An application submitted by a high-performing charter school system must state that the application is being submitted pursuant to this section and must include the verification letter provided by the Commissioner of Education. If the sponsor fails to act on the application within 90 days after receipt, the application is deemed approved and the procedure in s. 1002.33(7) applies (mediation/DOAH).

Section 25. Amends s. 1003.498, F.S., relating to School district virtual course offerings. – Provides that students in a blended learning course no longer are required to receive the online instruction in a classroom setting at the school. Conforming language.

Section 26. Amends s. 1007.35, F.S., relating to Florida Partnership for Minority and Underrepresented Student Achievement. – Updates nomenclature for the ACT. It is now referred to the preliminary ACT.

Section 27. Amends s. 1008.34, F.S., relating to School grading system; school report cards; district grade. – Authorizes students who transfer to a private school to be factored into a school grade. A high school must include a student in its graduation rate if the student transfers from the high school to a private school with which the school district has a contractual relationship.

Section 28 – Amends s. 1008.341, F.S., relating to the School Improvement Rating for Alternative Schools. - Authorizes the use of concordant scores on statewide, standardized assessments for students enrolled in an alternative school in determining the school improvement rating. Currently assessment scores or comparable scores may be used.

Section 29. Amends s. 1011.71, F.S., relating to District school tax. – Requires school boards to appropriate revenue from the 1.5 discretionary millage to charter schools and district schools.

The authorized use of revenue from the levy of discretionary millage is expanded to include device hardware and operating system software necessary for gaining access to or enhancing the use of digital instructional content and resources. The purchase of enterprise resource software acquired by annual license fees, maintenance fees, or lease agreements is also authorized.

The payout of sick leave and annual leave accrued as of June 30, 2017, by individuals no longer employed by a district that transfers to a charter school operator all responsibility for classroom instruction is authorized. This paragraph expires July 1, 2018. The provisions applies only to Jefferson County School District.

Section 30. Amends s. 1013.54, F.S., relating to Cooperative development and use of satellite facilities by private industry and district school boards. – Conforms a cross reference.

Section 31. Amends s. 1013.62, F.S., relating to Charter schools capital outlay funding. – Provides that charter school capital outlay funding consists of revenue resulting from the 1.5 discretionary millage and state funds when such funds are appropriated in the General Appropriations Act. The eligibility requirements have been modified to provide that a charter school is eligible to receive capital outlay funds if the school is governed by a governing board established in the state for 2 or more years which operates both charter and conversion charter schools in the state; or have been accredited by a regional accrediting association as defined by the State Board of Education rule; or

The bill provides that the Department of Education must use basically the existing statutory calculation methodology to allocate state funds appropriation in the GAA to eligible charter schools. The language does clarify the free-reduced price school meals provisions includes meals under the National School Lunch Program, or for school operating programs under the Community Eligibility Provisions of the Healthy, Hunger-Free Kids Act of 2010, an equivalent percentage of the student population eligible for free and reduced-price meals as determined by applying the authorized multiplier to the number of student reported for direct certification.

The following calculation is used if the school board levies the discretionary

millage. The amount of total discretionary millage revenue is reduced by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to the Special Facilities Program. Then the discretionary millage revenue is divided by the district's total COFTE membership and the total number of UWFTE students of each eligible charter school to determine a capital outlay allocation per FTE student.

The capital outlay allocation per FTE student is multiplied by the total number of FTE students of each eligible charter school to determine the capital outlay allocation for each charter school. If applicable, the allocation is reduced by the total amount of state funds (appropriated in the GAA) allocated to each eligible charter school to determine the maximum calculated capital outlay calculation.

School districts must distribute capital outlay funds to charter schools no later than February 1 of each year, beginning on February 1, 2018, for the 2017-2018 fiscal year.

The bill then aligns the authorized uses of capital outlay with those authorized uses of capital outlay by regular public schools.

Section 32. Amends s. 1013.64, F.S., relating to Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects. – Incorporates prekindergarten membership funded by the FEFP into the capital outlay membership calculation. Modifies the calculation of COFTE membership by limiting each survey to 0.5 FTE student membership for the second and third surveys.

The bill clarifies the meaning of a date (July 1, 2017) in calculating the cost per student stations for new construction. If a contract has been executed for architectural and design services or for construction management services before July 1, 2017, a district school board may use funds from any source for the new construction of educational plant space and such funds are exempt from the total cost per student station requirements. This provision impacts Bay, Monroe and Walton County School Districts.

Section 33. Amends s. 1003.4282, F.S., relating to Requirements for a Standard High School Diploma. - Repeals the Algebra II EOC. Repeals the personal fitness test requirement for students who participate in sports at the junior varsity or varsity level for two full seasons to satisfy the one-credit

physical education requirement.

The bill also expands the options by which a student may satisfy the online course requirements to include completing a blended learning course. Language is repealed that allowed a student to satisfy the online course requirement by passing an online content assessment without enrolling in or completing the corresponding course by which a student demonstrates skills and competency in locating information and applying technology for instructional purposes.

Language is added to prohibit a school district from requiring a student to take the blended learning course outside the school day or in addition to a student's courses for a given semester. The requirement does not apply to a student who has an IEP in which the blended learning 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.

Section 34. Amends s. 1003.4285, F.S., relating to Standard High School Diploma Designations. - Removes requirement of passage of Algebra II EOC as part of the Scholar designation.

Section 35. Amends s. 1008.22, F.S., relating to the Student Assessment Program for Public Schools. - Repeals the Algebra II EOC.

The bill provides that statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be delivered only in a paper-based format, beginning with the 2017-2018 school year and all such assessments must be paper-based no later than the 2018-2019 school year. Therefore, it appears that the paper-based format will be phased-in over two years.

The bill requires that assessment results for all statewide, standardized assessments, including EOCs be made available no later than June 30, except for the results of the third grade ELA, which must be made available no later than May 31st.

The bill provides that beginning in 2018, the commissioner must publish a uniform calendar by January rather than August of each year.

The bill establishes a schedule for the administration of statewide, standardized assessments to be later in the school year. Beginning with the

2018-2019 school year, the spring administration of the assessments (FSA ELA/math and EOCs), excluding retakes, must be as follows:

The third grade ELA and writing portion for grades 4 through 10 must be administered no earlier than April 1 each year with an assessment window not to exceed 2 weeks.

With the exception of the third grade ELA and writing portion identified above, any statewide assessment that is delivered in a paper-based format must be administered no earlier than May 1 each year within an assessment window not to exceed 2 weeks.

All other statewide assessments must be administered within a 4-week assessment window that opens no earlier than May 1 each year.

School districts must administer the assessments other than third grade ELA and writing grades 4 through 10 no earlier than 4 weeks before the last day of school for the district.

Results of district-required local assessment must be provided to the student's teachers within 1 week.

The bill provides that the results of the ELA and math assessment, including assessment retakes, must be reported in an easy-to-read and understandable format and delivered in time to provide useful information to students, parents, and each student's current teacher and teacher for the subsequent school year. Regardless, the district must provide the results within 1 week after receiving the results from DOE. A report of student assessment results must, at a minimum, contain:

- A clear explanation of the student's performance on the applicable assessment.
- Information identifying the student's areas of strength and areas in need of improvement.
- Specific actions that may be taken, and the available resources that may be used, by parents to assist them in helping their children.
- Longitudinal information, if available, on the student's progress in each subject area based on the previous assessment.
- Comparative information showing the student's scores compared to other

students in the district, state, or, if available, in other states.

- Predictive information, if available, showing the linkage between the scores attained by the student on the assessments and the scores that may be attained on nationally recognized college entrance examinations.

Language is added to require for any procurement for the ELA/math assessments, DOE must solicit cost proposals for publication of the state assessments on its website. If funded, DOE is required to publish each ELA/math assessment and EOC, excluding retakes, at least once on a triennial basis pursuant to a schedule determined by the commissioner. Each assessment, when published, must have been administered during the most recent school year. The initial publication of assessments must occur no later than June 30, 2021, subject to an appropriation, and must include the third grade ELA and math assessments, the 10th grade ELA assessment, and the Algebra I EOC. DOE is required to provide materials on the website to help the public interpret the assessment information.

The bill defines secondary education as grades 9 through 12 for reporting the number of students who enroll in adult education after 8th grade.

Section 36. Amends s. 1012.34, F.S., relating to the Personnel Evaluation Procedures and Criteria. - Deletes language requiring a comparative analysis of performance results. This language is deleted because it was reported during session to be duplicative to the performance indicators provided through school grades.

The bill repeals the requirement that the student performance portion of the evaluation be based on a value added model or VAM. It will now be determined by each school district. However, the commissioner is still required to approve a formula to measure individual student learning growth. Language requiring the SBE to adopt the formula in rule is repealed.

Each school district may, but it is not required to, measure student learning growth using VAM. The language requiring districts to use the performance level standards adopted by the SBE is repealed. Language requiring the SBE to adopt rules requiring the adoption of performance level standards based on VAM that ensure sufficient differentiation in the performance levels, etc. is repealed.

The bill requires a third party, independent of the assessment developer, to analyze student learning growth data calculated using the formula and provide access to a data visualization tool that enables teachers to understand and evaluate the data and school administrators to improve instruction, evaluate programs, allocate resources, plan professional development, and communicate with stakeholders.

Section 37. Creates an undesignated section relating to an independent study. - Requires the commissioner to contract for an independent study to determine whether the SAT and ACT may be administered in lieu of the grade 10 statewide, standardized ELA assessment and the Algebra I EOC for high school students consistent with federal requirements. The commissioner must submit a report containing the results of such review and any recommendations to the Governor and Legislature and SBE by January 1, 2018.

Section 38. Amends s. 1001.42, F.S., relating to Powers and duties of district school board. – Requires that the school board annual approve and require implementation of a school improvement plan for each school which has a grade of “D” or “F.”

Expands the early warning system to include a school that serves any students in kindergarten through 8th grade. Expands early warning indicators to include course failure in English Language Arts or mathematics during any grading period and to include students in kindergarten through 3rd grade who have a substantial reading deficiency.

The early warning system must include data on the on the number of students exhibiting early warning indicators and a description of intervention strategies employed by the school to improve the performance of these students.

A school-based team responsible for implementing the early warning system must monitor the data and the team may include a school psychologist. When a student exhibits two or more early warning indicators, the team, in consultation with the

parent, must determine appropriate intervention strategies unless the student is already being served by an intervention program.

Education Emergency - The bill requires school board to negotiate special

provisions of its contract with the appropriate bargaining units to free schools with a school grade of "D" or "F" from contract restrictions that impede student performance improvement. The negotiations must result in a memorandum of understanding that addresses the selection, placement, and expectations of instructional personnel and provide principals with autonomy. An educational emergency exists in a school district is one or more schools in the district have a school grade of "D" or "F."

The bill provides that a school board may not award an annual contract on the basis of any contingency or condition not expressly authorized in law by the Legislature or alter or limit its authority to award or not award an annual contract as provided in s. 1012.335. This paragraph applies only to a collective bargaining agreement entered into or renewed by a district school board on or after the effective date of this act.

Section 39 – Creates s. 1001.4205, F.S., relating to Visitation of Schools by an Individual School Board or Charter School Governing Board Member. - Authorizes an individual school board member to, on any day and at any time, visit any district school in his or her school district. The same language is provided for a charter school governing board member.

The board member must sign in and sign out at the main office and wear his or her board identification badge at all times while present on school premises. The board, the school, or any other person or entity, including, but not limited to, the principal, the superintendent, or any other board member, may not require the visiting board member to provide notice before visiting the school. The school may offer, but may not require, an escort to accompany a visiting board member during the visit. Another board member or a district employee, including, but not limited to, the superintendent, the principal, or his or her designee, may not limit the duration or scope of the visit or direct a visiting board member to leave the premises.

A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to a board member.

Section 40. Undesignated section of statute. – Directs the Division of Law Revision and Information to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.

Section 41. Amends s. 1008.33, F.S., relating to Authority to enforce public school improvement. – Expands the rules to be adopted by the State Board relating to differentiated accountability which may include the alignment across grade levels to improve background knowledge in social studies, science and the arts.

Requires the State Board to apply strategies tailored to meet the needs of schools earning two consecutive grades of “D” or a grade of “F.” In the first full school year after a school initially earns two consecutive grades of “D” or a grade of “F,” the district must immediately implement intervention and support strategies. The planning year is no longer an option.

By September 1, the district must provide a memorandum of understanding negotiated pursuant to the Education Emergency provisions above and by October 1, a district-managed turnaround plan for approval by the State Board. Upon approval, the district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The State Board may allow a school an additional year of implementation before the school must implement another specified option if it determines that the school is likely to improve to a grade of “C” or higher after the first full year of implementation.

Unless an additional year is provided, a school that earns here consecutive grades below a “C” must implement one of the following:

- Reassign students to another school and monitor their progress;
- Close the school and reopen as one or more charter schools; or
- Contract with an outside entity that has a demonstrated record. An outside entity may include a district-managed charter school in which all instructional personnel are not employees of the district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

The option to turn the school into a district-managed turnaround school is repealed.

If the school does not improve to a “C” grade or higher after 2 full years of implementing the district selected turnaround option, the district must implement another option. Such option must begin the school year after the end of the implementation period for the turnaround option, unless the State

Board determines that the school is likely to improve to a “C” grade or higher.

Section 42. Amends s. 1008.345, F.S., relating to Implementation of state system of school improvement and education accountability. – Clarifies that the commissioner must annually report to the State Board and the Legislature and recommend changes in policy necessary to foster school improvement and accountability. The report must include for each district the annual report specified in 1008.25(8) which is the annual report to parents on the progress of his or her student toward achieving state and district levels of proficiency in core courses. The commissioner must also report on the intervention and support strategies that were effective in improving reading performance of students identified as having substantial reading deficiencies based upon a review of each district’ reading plan.

The commissioner must assign a community assessment team to each district or governing board with a school that earned a grade of “D” or “F.” Formerly, it was an “F” or three consecutive grades of “D.”

Section 43. Creates s. 1002.333, F.S., relating to Persistently low-performing schools. – Provides for Schools of Hope.

Provides definitions of “hope operator,” “persistently low-performing school” and “school of hope.” A persistently low-performing school is a school that has earned three consecutive grades lower than a “C,” and a school that was closed within 2 years after the submission of a notice of intent. A “school of hope” is a charter school operated by a hope operator which serves student from one or more persistently low- performing schools; is located in the attendance zone of a persistently low- performing school or within a 5-mile radius of such school, whichever is greater; and is a Title I eligible school; or a school operated by a hope operator as part of a district contract with an independent entity.

A hope operator is a 501(c)(3) organization that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board as a hope operator after determining that:

- The past performance of the hope operator meets or exceeds specified criteria;

- The operator was awarded a United States DOE charter School Program grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years;
- The operator receives funding through the National funds of the Charter School Growth Fund; or
- The operator is selected by a district school board as the independent entity to serve the persistently low-performing school.

An entity that has received funding mentioned above or has been selected by a district as the independent entity shall be designated a hope operator before the adoption of measurable criteria by the State Board. After the adoption of measurable criteria, an entity, including a governing board that operates as an independent entity for a district must be designated as a hope operator if it meets the measurable criteria.

Hope operator status is valid for 5 years from the opening of the school of hope. If the operator seeks status renewal, such renewal must solely be based on the academic and financial performance of all schools established by the operator in the state since its initial designation.

Establishment of Schools of Hope – A hope operator must submit a notice of intent to the district in which the low-performing school has been identified by the State Board. The notice of intent must include information relating to an academic plan, a financial plan, a community outreach plan, a staffing, grade levels to be served and other information.

A district must enter into a performance-based agreement with a hope operator to open schools to serve students from persistently low-performing schools. The bill specifies what is to be incorporated as the entirety of the performance-based agreement which includes:

- Notice of Intent.
- Location or geographic area proposed for the school of hope and its proximity to the low-performing school.
- Grades to be served, including whether children in school readiness or prekindergarten programs will be served.
- An action plan for student recruitment and enrollment of students from the low-performing school. Students from persistently low-performing schools shall be exempt from any enrollment lottery to

the extent permitted by federal grant requirements.

- Current baseline of student achievement and outcomes, etc.
- Description of methods of involving parents.
- Grounds for termination.
- Provision allowing the hope operator to open additional schools.
- Provisions establishing initial 5 year term and renewal.
- Requirement to provide transportation.
- Requirement that any arrangement to secure funds from source other than state or school district must indemnify the state and school district from liability.
- Requirement that any loans, etc. are not obligations of the state or school district.
- Prohibition on the pledge of credit or taxing power of the state or school district.

Statutory Authority – Authorizes a school of hope to be designated as a local education agency if request. In doing so, the school of hope accepts the full responsibility for all LEA requirements. Students enrolled in a school designated as an LEA are not eligible students for purposes of calculating the district grade.

For the purposes of tort liability, the hope operator, the school of hope, and its employees or agents shall be governed by s. 768.28. The sponsor shall not be liable for civil damages under state law for the employment actions or personal injury, property damage, or death resulting from an act or omission of a hope operator, the school of hope, or its employees or agents. This does not include any for-profit entity contracted by the charter school or its governing body.

A school of hope may be either a private or a public employer. As a public employer, the school of hope may participate in the Florida Retirement System.

A hope operator may employ school administrators and instructional personnel who do not meet the certification requirements of s. 1012.56 if the school administrators and instructional personnel are not ineligible for such employment under s. 1012.315.

Compliance with class size requirements shall be calculated as the average at the school level.

Schools of hope operated by a hope operator are exempt from chapter 1000-1013 and all school board policies. However, a hope operator must be in compliance with the same laws with which regular charter schools must comply.

Facilities - A school of hope shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities (SREF). A school of hope that uses district facilities must comply with SREF only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The plan must contain a provision by which the school board agrees to maintain the school facilities in the same manner as its other public schools.

The local governing authority must not adopt or impose any local building requirements or site-development restrictions, such a parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in SREF of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

Any facility, used to house a school of hope is exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to schools of hope within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

School of hope facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80; fees for building and occupational licenses; impact fees or exactions; service availability fees; and assessments for

special benefits.

No later than October 1, each school district must annually provide to the Department of Education a list of all underused, vacant, or surplus facilities owned or operated by the school district. A hope operator establishing a school of hope may use an educational facility identified in this paragraph at no cost or at a mutually agreeable cost not to exceed \$600 per student. A hope operator using a facility pursuant to this paragraph may not sell or dispose of such facility without the written permission of the school district.

Noncompliance – A school district that does not enter into a performance-based agreement within 60 days after receipt of a notice of intent shall reduce the charter school administrative fees to 1 percent for all charter schools operating in the school district. Upon execution of the performance-based agreement, the school district may resume withholding the full amount of administrative fees, but may not recover any fees that would have otherwise accrued during the period of noncompliance. Any charter school that had administrative fees withheld in violation of this subsection may recover attorney fees and costs to enforce this requirement. A school district subject to these requirements must file a monthly report detailing the reduction in the amount of administrative fees withheld.

Funding – Schools of hope are funded according to statute and receive priority in specified grant funding. Schools of hope are considered charter schools for purposes of capital outlay, except capital outlay may not be used to purchase real property or for the construction of school facilities. Schools of hope are eligible to receive funds from the Schools of Hope Program.

Schools of Hope Program. – The program is created within the Department of Education. A school of hope is eligible to receive funds from the program for a variety of expenditures including

- Preparing teachers, school leaders, and specialized instructional support personnel.
- Acquiring supplies, training, equipment and materials, including developing and acquiring instructional materials.
- Providing one-time startup costs associated with providing transportation.
- Carrying out community engagement activities, which may include

the cost of student and staff recruitment.

- Providing funds to cover the nonvoted ad valorem millage that would otherwise be required for school and the RLE when the state board enters into an agreement with a hope operator.

A traditional public school that is required to submit a plan for one of the 25 district charter schools is eligible to receive up to \$2,000 per FTE student from the Schools of Hope Program based upon the strength of the plan and its focus on evidence-based interventions that lead to success by providing wrap-around services. Wrap-around services are broadly defined. The bill outlines the plan requirements which include the establishment of wrap-around services, establish academic and character standards, increase parental involvement, identify curriculum, provide professional development and describe how the district will recruit and retain teachers. The State Board may waive salary schedule and evaluation requirements to facilitate implementation.

The State Board must provide awards for up to 25 schools and annually report on the implementation including providing summarized academic performance reports.

State Board of Education Authority and Obligations. – Pursuant to Article IX, which prescribes the duty of the State Board to supervise the public system, the State Board must:

- Publish an annual list of persistently low-performing schools.
- Adopt a standard notice of intent and performance-based agreement that must be used by hope operators and school boards to eliminate regulatory and bureaucratic barriers.
- Resolve disputes between a hope operator and a district arising from a performance-based agreement or a contract between a charter operator and district. The commissioner must appoint a special magistrate who is a member of The Florida Bar and has at least 5 years of experience in administrative law. The special magistrate must hold hearings to determine facts relating to the dispute and render a recommended decision to the State Board. The recommendation may not alter in any way the provisions of the performance-based agreement. The special magistrate may administer oaths and issue

subpoenas. Within 15 calendar days after the final hearing, the special magistrate must transmit a recommended decision to the State Board and to the respective parties. The State Board must approve or reject the recommendation at its next regularly scheduled meeting. The decision is a final agency action that may be appealed to the First District Court of Appeals. A charter school may recover attorney fees and costs if it is found that the district unlawfully implemented or otherwise impeded implementation of the performance-based agreement.

- Provide students in persistently low-performing schools a public school that meets accountability standards. The State Board may enter into a performance-based agreement with a hope operator when a school district has not improved the school after 3 years of interventions and support or has not complied with Schools of Hope requirements. Upon the State Board entering into a performance-based agreement with a hope operator, the school district must transfer to the school of hope the proportionate share of state funds allocated from the FEFP.
- The State Board must adopt rules to implement this section.

Section 44. Creates s. 1001.292, F.S., relating to Schools of Hope Revolving Loan Program. – Establishes a loan program within DOE to provide assistance to hope operators to meet school building construction needs and pay expenses related to the startup of a new charter school. The program consists of funds appropriated by the Legislature, money received from the repayment of loans made from the program, and interest earned. Funds provided from the program may not exceed 25 percent of the total cost of the project which must be calculated based on 80 percent of the statutory cost per student station multiplied by the capacity of the facility.

The department may contract with a third-party administrator and, if so, funds must be granted to the administrator to create the loan fund. The administrator must report to DOE annually.

Hope operators shall be provided a loan up to the maximum allowed above for projects located in the attendance area or within a 5-mile radius of such school and primarily serve students from the persistently low-performing school. A hope operator is not eligible for funding if it operated in facilities provided by the school district or a nominal fee or at no charge or if it is directly or indirectly operated by the school district. DOE must post on its website the

projects that have receive loans and information about such loans and the student outcomes.

Repayments must be returned to the loan fund and made available for loans to other applicants. Interest may be used to defray administrative costs. Funds may be carried forward from the previous year for up to 5 years after the effective date of the original appropriation.

Section 45. Amends s. 1011.69, F.S., relating to Equity in School-Level Funding Act. - After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, school districts must provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.

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

- One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;
- A necessary and reasonable amount for administration, which includes the district's indirect cost rate, not to exceed a total of 8 percent; and
- A reasonable and necessary amount to provide:
 - Homeless programs;
 - Delinquent and neglected programs;
 - Prekindergarten programs and activities;
 - Private school equitable services; and
 - Transportation for foster care children to their school of origin or choice programs.

All remaining Title I funds must be distributed to all eligible schools in accordance with federal law and regulation. An eligible school may use funds under this subsection to participate in discretionary educational services

provided by the school district.

Section 46. Amends s. 1012.731, F.S., relating to The Florida Best and Brightest Teacher Scholarship Program. – Specifies that the scholarship amount is \$6,000. Beginning with the 2020-2021 school year, eligibility criteria are modified. A classroom teacher must have achieved a composite score at or above the 77th percentile or, if graduated cum laude or higher with a baccalaureate degree, the 71st percentile on the SAT, ACT, GRE, LSAT, GMAT, or MCAT based on the National Percentile Ranks in effect when the assessment was taken; have been highly effective pursuant to the district’s evaluation system; or have been highly effective based on a commissioner-approved student learning growth formula, in the school year immediately preceding the year in which the scholarship is awarded, unless the classroom teacher is newly hired and has not been evaluated.

Beginning in 2020-1021 school year, an official transcript demonstrating the designation of cum laude or higher is required along with other required qualifying assessment records.

For the next three school years, any classroom teacher who is evaluated highly effective in the school year immediately preceding the year in which the scholarship is awarded must receive an award of \$1,200; and if evaluated effective, receive an award up to \$800. If the number of eligible teachers exceeds the total allocation, DOE must prorate the amount. This is in addition to any other award for those who are highly effective teachers. This provision expires July 1, 2020.

The bill requires a school district to annually submit, by December 1, additional information to DOE including the name and master school identification number of each school in the district to which an eligible classroom teacher is assigned and the name of the school principal of each eligible teacher’s school if he or she has served as the principal for at least 2 consecutive school years, including the current school year.

Section 47. Creates s. 1012.732, F.S., relating to the Florida Best and Brightest Principal Scholarship Program. - Provides legislative intent and creates the program to be administered by the Department of Education. The program provides scholarships to principals who have recruited and retained a

high percentage of best and brightest teachers.

Hat A principal is eligible if he or she has served at least 2 consecutive school years, including the current year at the same school, and the school has a ratio of best and

brightest teachers to other teachers that is at the 80th percentile or higher for schools within the same grade group (elementary, middle, high and combination schools), statewide.

Annually, by February 1, DOE must identify eligible principals and disburse funds to each district. Principals of Title I schools are awarded a scholarship of \$5,000; and a principal of other school is awarded \$4,000. Each school district must award the scholarship by April 1 annually. A district must also provide a best and brightest principal with additional authority and responsibilities as specified in the principal autonomy section of statute. The Florida School for the Deaf and the Blind and charter school governing boards are included within the term “school district” for purposes of this program.

Section 48. Amends s. 1002.385, F.S., relating to the Gardiner Scholarship.

– Expands eligible disabilities to include identification as dual sensory impaired, as defined by State Board rule and by reports from the local district. Specialized services may be made by a Florida hospital. In addition to other services, funds may be expended for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International and services provided by a therapist certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc. A parent, student or provider may not bill an insurance company, Medicaid, or any other agency for the same services paid by the Gardiner Scholarship funds.

Funds revert to the state if the account has been inactive for three consecutive fiscal years.

If a participating private school is unable to meet the fiscal reporting requirements or has consecutive years of material exceptions in the report, the commissioner may determine that the private school is ineligible to participate in the program.

If a parent does not procure the necessary educational services and the account has been inactive for 2 consecutive fiscal years, the student is ineligible for additional payments until the scholarship funding organization verifies that expenditures from the account have occurred. Once an eligible expenditure is made, the student is eligible based on available funds.

Beginning with the 2017-2018 fiscal year, the calculation for a new student entering the program is based on the student's matrix level of services. The funding for a student without the matrix shall be based on support Level III.

Section 49. Creates s. 1003.455, F.S., relating to Physical education; assessment. – In addition to physical education requirements, each school board must provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through 5th grade so that there are at least 20 consecutive minutes of free-play recess per day. This requirement does not apply to charter schools.

Section 50. Amends s. 1002.37, F.S., relating to The Florida Virtual School. – Deletes eligibility requirements so that the Florida Virtual School may provide full- time and part-time instruction for students in kindergarten through 12th grade. Outdated language requiring an operational audit by the Auditor General is repealed.

Section 51. Amends s. 1002.455, F.S., relating to Student eligibility for K-12 virtual instruction. – Repeals eligibility criteria for participating in virtual instruction and provides that all students, including home education and private school students, are eligible to participate in virtual instruction options:

- District part-time or full-time kindergarten through 12th grade virtual programs.
- Full-time virtual charter school program to students within the school districts or to students in other district throughout the state.
- Virtual courses offered in the course code directory to students within the district or to students in other school districts in the state.
- Florida Virtual School instructional services.

Section 52. Amends s. 1002.45, F.S., relating to Virtual instruction programs. - Authorizes a student to enroll in a virtual instruction program

provided by the district or by a virtual charter school. Language requiring the virtual program to be operated in the district is removed. Students must take statewide assessments that may be administered within the district the student resides or as specified in a contract with an assessment administrator. If requested by the approved provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities.

Section 53. Amends s. 1002.20, F.S., relating to 1002.20 K-12 student and parent rights. – Grants permission for absences of students who receive therapy for treatment of autism spectrum disorder.

The bill also provides that a student may possess and use sunscreen while on school property or school events or activities without a physician's note or prescription if the product is regulated by the U.S. Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

The bill clarifies that a parent of a K-3 student who exhibits a substantial reading deficiency must be immediately notified of such deficiency and be consulted in the development of a plan.

Section 54. Amends s. 1002.69, F.S., relating to the Statewide kindergarten screening; kindergarten readiness rates; state-approved prekindergarten enrollment screening; good cause exemption. – Provides that data from the statewide screening must be used to identify students in need of intervention and support.

Section 55. Amends. S. 1008.25, F.S., relating to Public school student progression; student support; reporting requirements. – Provides that districts must allocate remedial and supplemental resources to students in kindergarten through 3rd grade who have a substantial deficiency in reading. A student who has a substantial reading deficiency must be covered by a federally required student plan, such as an IEP or an individualized progress monitoring plan, or both, as necessary.

Any student in kindergarten through 3rd grade who exhibits a substantial reading deficiency based on screening, etc., must be provide intensive, explicit, systematic, and multisensory reading interventions immediately following the

identification of the deficiency. A school may not wait until for the student to receive a failing grade at the end of a grading period to identify the deficiency and initiate intensive reading interventions. The State Board must identify by rule guidelines for determining whether a student in kindergarten through 3rd grade has a substantial deficiency in reading.

The parent must be notified of the deficiency including a description and explanation, in terms understandable to the parent, of the exact nature of the difficult in learning and lack of achievement in reading. Intervention strategies to address the deficiency must include multisensory strategies, through a read-at-home plan the parent can use.

Districts must assist schools and teacher with the implementation of explicit, systematic, and multisensory reading instruction and intervention.

Repeals one of the good cause exemptions from mandatory retention, but the language is redundant and is contained in another exemption.

Students who are retained must be provided interventions that include:

- Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, etc.
- Participation in the district's summer reading camp that incorporates the evidence-based instruction listed above.
- A minimum of 90 minutes of daily, uninterrupted reading instruction incorporating the instruction and intervention listed above.

Districts must provide students who are retained, including students participating in the summer reading camp, with a highly effective teacher. Beginning July 1, 2020, the teacher must also be certified or endorsed in reading. The district must also establish at each school, when applicable, an intensive reading acceleration course for any student retained in 3rd grade who was previously retained in kindergarten, 1st grade, or 2nd grade. The bill provides criteria for the course. The report to the parent must include, among current items, the response to intensive reading provided to the student.

Section 56. Amends s. 1011.67, F.S., relating to Funds for instructional materials. – Beginning July 1, 2021, for core reading materials and reading

intervention materials used in kindergarten through 5th grade, that the materials are identified by the Florida Center for Reading Research as being research-based reading programs. This does not preclude districts from purchasing or using other materials to supplement reading instruction and provide additional skills practice.

Section 57. Amends s. 1002.51, F.S., relating to Definitions. – Defines “public school prekindergarten provider” to include a traditional public school or a charter school that is eligible to deliver the school-year or summer prekindergarten program.

Section 58. Amends s. 1003.21, F.S., relating to school attendance. Requires school districts to adopt policies authorizing a parent to request an absence for an appointment scheduled to receive therapy for treatment of autism spectrum disorder, including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

Section 59. Amends s. 1003.34, F.S., relating to Parents responsible for attendance of children; attendance policy. – Adds an excuse from attendance requirements an absence that is related to the student having autism spectrum disorder and receiving services from a licensed health care provider or certified behavior analyst.

Section 60. Amends s. 1003.4156, F.S., relating to General requirements for middle grades promotion. – Repeals the career and education planning courses required to be completed in 6th, 7th or 8th grade.

Section 61. Amends s. 1003.57, F.S., relating to Exceptional students instruction. – Repeals the provision that a district may decline to provide or contract for education instruction for students who reside in private residential care facilities.

Section 62. Amends s. 1006.40, F.S., relating to Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books. – Except for a district or a consortium of district that implements their own instructional materials program, each school board must use the annual allocation (formerly at least 50 percent) only for the purchase of instructional materials that align with state standards and are included on the state adopted list.

Section 63. Amends s. 1009.60, F.S., relating to Minority teacher education scholars program. – Repeals the requirement that the scholar must be in the junior. The scholar must not have earned more than 18 credit hours of upper-division-level courses in education. Expands the eligible institutions to include colleges. The student may remain enrolled in the program if earning a graduate degree with a major in education, leading to initial certification.

Section 64. Amends s. 1009.605, F.S., relating to Florida Fund for Minority Teachers, Inc. – Modifies program projection requirements.

Section 65. Creates undesignated section of statute relating to Committee on Early Grade Success. – Creates the committee within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment. The committee’s proposal must include legislative recommendations for the design and implementation of a coordinated child assessment system. The committee is composed of 17 members appointed by the Governor and jointly by the Speaker and President. The University of Florida Lastinger Center for Learning must staff the committee. The committee must submit a report of its findings and recommendations to the Governor, President and Speaker by December 1, 2017. Upon submission of the report, the committee expires.

The State Board of Education may adopt rules to implement and administer this section.

Section 66. Creates s. 1013.101, F.S., relating to Shared use agreements. – Specifies legislative intent to increase the number of school districts that open their playground facilities to community use outside school hours. Provides definitions. A “shared use agreement” means a written agreement between a school district, a charter school, or a Florida College System institution, and a government or nongovernmental entity which defines the responsibilities, terms, and conditions for community use of a school-owned facility for recreation or other purposes.

Requires DOE to provide technical assistance to school districts including the

creation of a toolkit containing information for district and the development of an online database of shared use resources and existing shared use agreements.

Section 67. Creates undesignated section of statute relating to a Shared Use Task Force. – Creates the task force within DOE to identify barriers to increasing shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities. The task force is composed of seven members appointed by the department. The department must staff the task force. The task force must submit a report and its findings and recommendations to the Senate and Speaker by June 30, 2018. Upon submission of the report, the task force expires.

Section 68. Amends s. 125.901, F.S., relating to Children's services; independent special district; council; powers, duties, and functions; public records exemption. – Authorizes the school superintendent to have a designee as a member of the governing body.

Section 69. Creates undesignated section of statute relating to Early Childhood Music Education Incentive Pilot Program. – Creates the pilot program beginning with the 2017-2018 school year for a period of 3 school years. The purpose of the pilot program is to assist selected district in implementing comprehensive music education programs for students in kindergarten through 2nd grade. To participate in the pilot program the superintendent must certify to the commissioner that each elementary school in the district has established a comprehensive music education program that meets the statutory requirements. The commissioner must select the participating districts subject to an appropriation based on the district's proximity to the University of Florida and needs-based criteria established by the State Board of Education. Selected district shall annually receive \$150 per FTE student in kindergarten through grade 2 who is enrolled in a comprehensive music education program. The University of Florida's College of Education must evaluate the program. The state Board may adopt rules to administer this section and the section expires June 30, 2020.

Section 70. Severability Clause. Provides a severability clause.

Section 71. Appropriations. – For the 2017-2018 fiscal year, \$413,950,000 in

recurring funds from the General Revenue Fund and \$5 million in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Education to implement this act.

Of these funds, \$233,950,000 must be used to implement the Best and Brightest Teacher Scholarship Program and the Best and Brightest Principal Scholarship Program, \$30 million must be used to implement the Gardiner Scholarship Program, and \$10 million in recurring funds and \$5 million in nonrecurring funds must be used to implement the provisions of the bill relating to statewide student assessments.

The remaining funds must be used to implement the remaining provisions of the bill, except for the implementation of the Early Childhood Music Education Incentive Pilot Program, the Committee on Early Grade Success, and the Shared Use Task Force.

Section 72. Effective date. Except as otherwise provided, July 1, 2017.

Finance/Administration

HB 599 – Public Works Projects By Rep. Williamson

Effective Date: July 1, 2017

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid. Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the estimated cost exceeds \$300,000. The solicitation of competitive bids or proposals must be publicly advertised in the Florida Administrative Register.

The bill prohibits the state and its political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers, except as otherwise required by federal or state law. Specifically, the state or political subdivision that contracts for a public works project may not require that a contractor, subcontractor, or material supplier or carrier engaged in the project:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;

- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

Public works projects include only those projects for which 50 percent or more of the cost will be paid from state-appropriated funds. The bill also prohibits the state or a political subdivision from restricting a qualified contractor, subcontractor, or material supplier or carrier from submitting a bid on any public works project or being awarded any contract, subcontract, material order, or carrying order. However, the prohibition does not apply to discriminatory vendors or those that have committed a public entity crime.

The bill does not apply to contracts executed by the Department of Transportation under ch. 337, F.S.

HB 749 – Adoption By: Rep. Combee
Effective Date: July 1, 2017

In Florida, the Department of Children and Families (DCF) provides child welfare services, including adoption services, through community-based care lead agencies contracted by DCF.

In 2015, the Legislature reestablished an adoption benefit program within DCF for state employees who adopt children from the foster care system. Qualifying adoptive employees receive a one-time benefit of \$10,000 for the adoption of a child with special needs and \$5,000 for the adoption of a child who does not have such needs.

A “qualifying adoptive employee” includes those individuals who are regular (not temporary) employees, either full- or part-time, of a state agency, which is defined to include school districts, but not charter schools or the Florida Virtual School (FLVS). In order for an adoptive parent to qualify for the adoption benefit program for state employees, the adoptive parent must meet the requirements set out in statute at the time the adoption takes place.

The bill amends the definition of “qualifying adoptive employee” to include employees of charter schools and the FLVS. This allows these employees to qualify to receive the incentive monetary benefit for adopting a child from the

child welfare system, provided funds are available and other requirements of rule and law are met.

Additionally, the bill creates a clause to ensure that charter or FLVS employees who were employees of a charter school or the FLVS on or after July 1, 2015, and adopted a child through the child welfare system during that time may still apply for the monetary benefit

SB 60 – Children Obtaining Driver Licenses By: Senator Bean

Effective Date: Upon Becoming Law

Approved by Governor: May 1, 2017; Ch. 217-008, Laws of Florida

The bill expands the program that provides motor vehicle insurance and driver licenses to children in out-of-home care who are in relative and non-relative placements. It also provides assistance to children who have reached permanency or turned 18 under certain circumstances. The program is authorized to pay for a child in out-of-home care to complete a driver education program and obtain a driver license or the related costs of licensure under certain circumstances. The bill continues the program beyond the 3-year pilot period.

The bill requires the child's transition plan and the court to address the issue of a child in care being able to obtain a driver license.

The bill also provides that a guardian ad litem authorized by a minor's caregiver may sign for the minor's learner's driver license and not assume any obligation or liability for damages caused by the minor.

Facilities/Transportation

HB 493 – Enhanced Safety for School Crossings By: Representative Toledo

Effective Date: July 1, 2017

The bill requires the Department of Transportation to evaluate the viability and cost of a uniform system of specific, high-visibility pavement markings and signage for use on arterial roads or collector roads within a 1-mile radius of all public and private schools, to designate safe school crossing locations.

In its evaluation, the department may consider implementation of new

technology and innovations that enhance pedestrian and crosswalk visibility. The department must present a report of its findings and any recommendations including any recommendations for legislation relating to safe school crossing locations for safe school crossing locations to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 1, 2018.

HB 1239- School Bus Safety- “Cameron Mayhew Act” By: Representative Eagle

Effective Date: July 1, 2017

The bill enhances penalties for persons who violate s. 316.172(1), F.S., relating to traffic stopping for a school bus. In addition to other penalties, the person must serve 120 community service hours at a trauma center or hospital that regularly receives victims of vehicle accidents and participate in a victim’s impact panel session in a judicial circuit if such a panel exists, or if it does not exist, attend an approved driver improvement course. The bill imposes a penalty of \$1,500 for violating s. 316.172(1), Florida Statutes. Finally, the convictions of violating the statute will result in specified points.

Accountability

HB 781- Designation of School Grades By: Representative Porter

Effective Date: July 1, 2017

The bill amends the requirements for identifying a school as a K-3 feeder pattern school for school grade designation purposes. Previously, sixty percent of students in the school with kindergarten through grade three must have been assigned to attend the graded school. This bill decreases the previous sixty percent to only requiring that a majority of the students served by the K-3 school are assigned to the graded school.

Curriculum

SB 436 – Religious Expression in Public Schools By: Senator Baxley

Effective Date: July 1, 2017

The bill creates an undesignated section of statute related to religious express in public schools. The section may be cited as the “Florida Student and School Personnel Religious Liberties Act.”

The bill specifies that a school district may not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression. A school district must treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner that the school district treats a student's voluntary expression of a secular viewpoint.

Furthermore, a student may express his or her religious beliefs in coursework, artwork, and other written and oral assignments free from discrimination. A student's homework and classroom assignments must be evaluated, regardless of their religious content, based on expected academic standards relating to the course curriculum and requirements. A student may not be penalized or rewarded based on the religious content of his or her work if the coursework, artwork, or other written or oral assignments require a student's viewpoint to be expressed. A student may wear clothing, accessories, and jewelry that display a religious message or symbol in the same manner and to the same extent that secular types of clothing, accessories, and jewelry that display messages or symbols are permitted to be worn.

The bill provides that a student may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that a student may engage in secular activities or expression. A student may organize prayer groups, religious clubs, and other religious gatherings before, during, and after the school day in the same manner and to the same extent that a student is permitted to organize secular activities and groups.

A school district may not prevent school personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel. A school district must comply with the federal requirements in Title VII of the Civil Rights Act of 1964, which prohibits an employer from discriminating against an employee on the basis of religion.

A school district must give a religious group access to the same school facilities for assembling as given to secular groups without discrimination based on the religious content of the group's expression. A group that meets for prayer or

other religious speech may advertise or announce its meetings in the same manner and to the same extent that a secular group may advertise or announce its meetings.

A school district must adopt a policy that establishes a limited public forum for student speakers at any school event at which a student is to speak publicly. The limited public forum policy shall require the school district to:

- Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint on an otherwise permissible subject;
- Provide a method based on neutral criteria for the selection of student speakers at school events, activities, and graduation ceremonies;
- Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
- State in written or oral form that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the school district.

The school district must deliver the disclaimer that a student's speech does not reflect the endorsement of the school district listed above at all graduation events and any other event at which a student speaks publicly. Student expression of a religious viewpoint on an otherwise permissible subject may not be excluded from the limited public forum.

The bill requires the Department of Education to develop a model policy regarding a limited public forum and voluntary expression of religious viewpoints by students and school personnel in public schools. The department must publish the model policy on its website. Each district school board must adopt and implement the department's model policy.

HB 293- Middle Grades By: Representative Burton

Effective Date: July 1, 2017

The bill requires the Department of Education to issue a competitive solicitation for a contract to conduct a study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress (NAEP). The study must include a review of academic expectations and instructional strategies, attendance policies and student mobility issues,

teacher quality, middle school administrator leadership and performance and parental and community involvement. The report of the findings and recommendations must be submitted to the Governor, the State Board of Education, the President, and the Speaker of the House of Representatives by December 2017.

This bill also deletes the requirement of one course in career and education planning in 6th, 7th, or 8th grades. Students will no longer have to formulate a personal education plan.

The bill appropriates \$50,000 in nonrecurring funds to conduct the study.

Instructional Materials

HB 989 – Relating to Instructional Materials By: Donalds

Effective Date: July 1, 2017

The bill amends s. 1006.28 and moves the definition of “adequate instructional materials” into a definitions section. In addition, in the definitions section, it specified that “Instructional materials” also has the same meaning specified in s. 1006.29(2), F.S., where it states for purposes of state adoption, “instructional materials” means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kid, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.

The bill defines “resident” as a person who has maintained his or her residence in this state for the preceding year, has purchased a home that is occupied as his or her residence, or has established a domicile in this state pursuant to s. 222.17, Florida Statutes. The term “purchase” includes purchase, lease, license, and acquire.

The bill specifies the materials to for which a district school board is responsible to include any other materials used in the classroom, in addition to instructional materials, and materials made available in a school library or included on a reading list. Each school board must maintain on its website a

current list of instructional materials, by grade level, purchased by the district.

Each school board must adopt a policy regarding an objection by a parent or a resident of the county. The process must provide the parent or resident the opportunity to proffer evidence to the school board that:

- An instructional material does not meet the criteria specified in statute if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures provided in the statute.
- Any materials used in a classroom, made available in a school library, or included on a reading list contains content that is pornographic or prohibited under s. 847.012, is not suited to student needs and their ability to comprehend the materials presented, or is inappropriate for the grade level and age group for which the material is used.

If the school board finds that an instructional material does not meet statutory criteria or any other material contains prohibited content, the district must discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

In addition to the parent, a resident of the county, may now contest the adoption of specific instructional material. The objection must be based on statutory criteria (aligned with state standards, noninflammatory, free of pornography, appropriate for the grade level, etc.)

Within 30 days after the 30-day post adoption period, the school board must, for all petitions timely received, conduct at least one open public hearing before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. The hearing is not subject to the provisions of chapter 120; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. The school board's decision after convening a hearing is final and not subject to further petition or review, remains in effect.

Upon written request, a school district must provide access to any material or

book specified in the request that is maintained in a district school system library and is available for review.

The bill amends s. 1006.283, F.S., relating to the district school board instructional materials review process. As part of the hearing process, a parent of a public school student or a resident of the county must be allowed to proffer evidence that a recommended instructional material does not meet statutory criteria, taking into consideration course expectations based on the district's comprehensive plan for student progression and course descriptions in the course code directory.

In evaluating instructional materials, the district's process must provide that recommended instructional materials be free of pornography and prohibited material.

Except for a district or consortium of districts that implements an instructional materials program, each school board must use the annual allocation (not just 50%) only for the purchase of instructional materials that align with state standards and are on the state-adopted instructional materials list except as provided below. Up to 50 percent of the allocation may be used for:

- The purchase of library and reference books and nonprint materials.
- The purchase of materials having intellectual content which assist in the instruction of a subject or course. The materials may be available in a variety of methods as described by school board rule.
- The repair and renovation of textbooks and library books and replacements for items which were part of previously purchased instructional materials.

Any materials purchased pursuant to the section authorizing a school district or consortium to have their own instructional materials program must be:

- Free of pornography and prohibited material.
- Suited to student needs and their ability to comprehend the material presented.
- Appropriate for the grade level and age group for which the materials are used or made available.

Each school board is responsible for the content of all materials, not just instructional materials, used in a classroom or otherwise made available to students.

The statutory deadlines for the issuance of purchase orders do not apply to a school board or consortium of school districts that implements their own instructional materials program. IN addition, these district or consortia may use the annual allocation to purchase instructional materials not on the state-adopted list. However, instructional materials purchased that are not on the state-adopted list must meet the statutory criteria (aligned with state standards, noninflammatory, free of pornography, appropriate for the grade level, etc.). The materials must also be consistent with course expectations based on the district's comprehensive plan for student progression and course descriptions adopted in state board rule.

Choice/Charter Schools

HB 15- Educational Options By: Representative Sullivan, Representative Fischer Effective Date: July 1, 2017

The bill revises requirements for the Gardiner Scholarship Program and the Florida Tax Credit Scholarship Program.

Gardiner Scholarship Program

The bill changes definitions for the Gardiner Scholarship Program that affect program eligibility, including age requirements, disability descriptions, and the term "inactive." The bill adds the following to the previous list of Gardiner Scholarship Program eligible students:

- Rare diseases that affect fewer than 200,000 nationally, as defined by the National Organization for Rare Disorders;
- Anaphylaxis;
- Deaf;
- Visually impaired;
- Dual sensory impaired;
- Traumatic brain injured; or
- Hospital or homebound, as defined by SBE rules and evidenced by reports from local school districts.

The definition of IEP has been modified to include plans, regardless of whether they have been reviewed or revised within the last 12 months. The bill expands eligibility to students who have an IEP from another state or who have received a diagnosis of a disability from a licensed physician from another state or territory, the District of Columbia, or the Commonwealth of Puerto Rico. A student enrolled in the Florida School for the Deaf and the Blind is not eligible for a Gardiner Scholarship. Program funds may be used for services provided by a hospital in Florida. In addition, the authorized uses of program funds has been expanded to include use at a center belonging to the Professional Association of Therapeutic Horsemanship International and fees from certified music or art therapists. A student receiving the Gardner

Scholarship cannot bill an insurance company, Medicaid, or an agency for the services provided to them through Gardiner Scholarship money.

In addition to current provisions, a student's account reverts back to the state if there are three consecutive years in which an account has been inactive.

A private school that is unable to meet the statutory reporting requirements or has in consecutive years had material exceptions listed in the report, there is a basis for the ineligibility of the private school to participate in the program.

If a parent does not procure the necessary educational services for the student and the student's account has been inactive for 2 consecutive fiscal years, the student is ineligible for additional scholarship payments until the scholarship-funding organization verifies that expenditures from the account have occurred. However, once an eligible expenditure is made, the student may resume scholarship funding, based on available funds.

Florida Tax Credit Scholarship Program

Rather than just being required to provide a letter upon approval, within ten days there must be a letter upon denial from the Florida Tax Credit Scholarship Program as well. The Department of Education must provide a copy of its approval or denial letter to the eligible nonprofit scholarship-funding organization. The department just also include the eligible nonprofit scholarship-funding organization specified by the taxpayer on all letters or

correspondence of acknowledgment for tax credits.

The bill authorizes a dependent child with a parent in the United States Armed Forces to apply for the scholarship at any time. If payment is by fund transfer, the parent must approve each payment before the scholarship money is deposited into the account.

Similarly to the Gardner Scholarship Program, under the Florida Tax Credit Scholarship a private school that is unable to meet the statutory reporting requirements or has in consecutive years had material exceptions listed in the report, there is a basis for the ineligibility of the private school to participate in the program.

The scholarship amount to attend a private school under the Florida Tax Credit Scholarship Program are modified. The base amount awarded to a student enrolled in an eligible private school is to be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

- Eighty-eight percent for a student enrolled in kindergarten through grade 5.
- Ninety-two percent for a student enrolled in grade 6 through grade 8.
- Ninety-six percent for a student enrolled in grade 9 through grade 12.

The scholarship amount awarded to a student enrolled in a Florida public school located outside the district in which the student resides or in a lab school is limited to \$750.

Payment methods are expanded to include debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective.

HB 1109- Private School Student Participation in Extracurricular Activities By: Representative Antone
Effective Date: July 1, 2017

The bill clarifies that a private school student is eligible to participate in an

interscholastic or intrascholastic sport at a public high school, a public middle school, or a 6-12 school to which the student would be assigned according to district school board attendance area policies and controlled open enrollment procedures provided the public school has not reached capacity as determined by the district school board.

Students with Disabilities

HB 371- Assistive Technology Devices By: Representative Ausley

Effective Date: July 1, 2017

The bill amends s. 1003.575, F.S., which relates to the accessibility, utilization, and coordination of appropriate assistive technology devices and services for persons with disabilities beginning in early intervention, and requires that a framework is in place to inform all stakeholders about the utilization and coordination of assistive technology devices and associated services (ATD), and that mechanisms are established for persons and parents to request that the device remain with the person as he or she moves through school or post school.

The statute is amended to:

- Expand transitions considered for persons utilizing ATDs to include “from school to home and community,”
- Expand the types of plans that the issuance of an ATD may be included in to ensure that the device remain with the student through transitions to include “individualized plan for employment;” and to
- Expand the list of agencies that must enter into interagency agreements regarding the transaction of ATDs to include the Office of Independent Education and Parental Choice.

Health/Safety

HB 39 – Autism Awareness Training for Law Enforcement Officers By:

Rep. Jenne

Effective date: October 1, 2017

The bill creates s. 943.1727, F.S., to require FDLE to establish a continued

employment training component relating to Autism Spectrum Disorder. The training must include, but is not limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to such individuals. Completion of the training may count toward a law enforcement officer's required 40 hours of continued employment training.

Postsecondary Education

SB 374 – Postsecondary Education By: Senator Hukill

Effective Date: October 1, 2017, unless otherwise expressly provided

The bill establishes the “Florida Excellence in Higher Education Act of 2017” to expand financial aid provisions and modify programmatic mechanisms to assist students in accessing higher education and incentivize postsecondary institutions to emphasize on-time graduation. The bill also expands and enhances policy and funding options for state universities to recruit and retain exemplary faculty, enhance the quality of professional and graduate schools, and upgrade facilities and research infrastructure. Additionally, the bill restructures the governance and modifies the mission of the community colleges.

Institutional Accountability - The bill strengthens institutional accountability by modifying state university and community college performance and accountability metrics and standards to promote on-time student graduation.

Student Financial Aid and Tuition Assistance - The bill expands student financial aid and tuition assistance programs to help to address financial insecurity concerns of students and their families. Specifically the bill:

- Increases the Florida Academic Scholars (FAS) award amount to cover 100 percent of public postsecondary education institution tuition and specified fees, plus \$300 per semester for textbooks and college-related expenses during fall and spring terms, beginning in the fall 2017 semester. Additionally, the bill provides for funding for Florida Bright Futures Scholarship awards, which at a minimum, supports summer term enrollment for an FAS award.
- Expands the Benacquisto Scholarship Program to attract qualified

students from out-of-state; who physically reside on or near the postsecondary education institution in which they enroll; earn a high school diploma or the equivalent, comparable to Florida; who are accepted and enroll in a baccalaureate degree program in the 2017-2018 academic year or thereafter; and who meet the specified requirement to qualify for the scholarship. The bill exempts such student from the payment of out-of-state fees and specifies that the award amount for such students is equal to the institutional cost of attendance for a Florida resident less the student's National Merit Scholarship.

- Creates the Florida Farmworker Scholarship Program for farmworkers and the children of farmworkers, who meet the specified scholarship eligibility criteria. The bill specifies that the DOE may award up to 50 scholarships annually and the recipient may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. The recipient is eligible for an award equal to 100 percent of tuition and specified fees at a public postsecondary education institution in Florida. Undocumented immigrants are not eligible for the award.
- Expands the First Generation Matching Grant Program by revising the state to private match requirements from a 1:1 match to a 2:1 match.
- Requires each state university board of trustees to adopt a block tuition and fee policy by October 1, 2017, for implementation in the fall 2018 semester. The policy must apply to the entering freshman class of full-time, FTIC students and may be extended to include other enrolled students. The bill requires each university board of trustees to submit the policy, including information on the potential impact of the policy on students, to the BOG by October 1, 2017. The bill also requires the Chancellor of the State University System must submit to the Governor and the Legislature a summary of the policies, status of approvals, and recommendations for improving block tuition and fee benefits for students by December 1, 2017.
- Specifies that a Florida Prepaid College Program plan, purchased prior to July 1, 2024, is only obligated to pay for the credit hours in which a student is enrolled.

- Renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

Articulation - The bill strengthens “2+2” articulation to assist students enrolled in AA degree program to graduate on time, transfer to a baccalaureate degree program, and complete the baccalaureate degree in 4 years. Accordingly, the bill creates a mechanism for expanding locally-developed “2+2” articulation agreements to include guaranteed pathways to baccalaureate degree programs at state universities for students enrolled in associate in arts (AA) degree programs at FCCS institutions. Specifically, the bill:

- Requires each FCCS institution to execute at least one “2+2” targeted pathway articulation agreement with one or more state universities.
- Establishes student eligibility criteria to participate in a “2+2” targeted pathway program.
- Establishes requirements for state universities that execute “2+2” targeted pathway articulation agreements with their partner colleges.
- Requires the SBCC and BOG to collaborate to eliminate barriers to executing “2+2” targeted pathway articulation agreements.

Additionally, the bill requires district school boards to notify students who enroll in acceleration mechanism courses or take exams about the credit-by-examination equivalency list and dual enrollment and high school subject area equivalency list. **State University Faculty, Program, and Infrastructure**

Investments - The bill establishes the World Class Faculty and Scholar Program and the State University Professional and Graduate Degree Excellence Program, and authorizes funding for certain projects under the Alec P.

Courtelis University Facility Enhancement Challenge Grant Program to elevate the national prominence of the state universities in Florida **Community**

College Governance - The bill modifies the governance of the Florida College System under an SBCC. Specifically, the bill provides that:

Effective July 1, 2017:

- The Florida College System is renamed as the Florida Community College

System.

- The SBCC, administratively housed within the DOE, is created to oversee and coordinate the FCCS, and requires the Governor to appoint the membership of the SBCC in time for the board's organizational meeting by September 30, 2017.
- The Division of Florida Colleges (DFC) must provide administrative support to the SBCC until September 30, 2017.
- Beginning September 1, 2017, SBCC staggered membership terms are established.
- The SBCC is required to appoint a Chancellor of the FCCS by November 1, 2017. The Chancellor of the DFC must serve as the Chancellor of the FCCS until the SBCC selects a chancellor.

Effective October 1, 2017:

- FCS- and DFC-related powers and duties, functions, personnel, funds, contracts, and administrative rules are transferred, by type 2 transfer, to the SBCC.
- The DOE must provide support services to the SBCC, consistent with the ongoing support services that the DOE provides to the BOG.
- The Division of Florida Colleges is removed as a division within the DOE.
- SBE approvals, policies, guidance, and appointments remain in effect unless acted upon by the SBCC.

In addition, the bill includes technical and conforming provisions related to the transfer of responsibilities regarding Florida's community colleges, effective October 1, 2017. The bill does not modify the governance of individual FCCS institutions or powers and duties of the FCCS institution boards of trustees.

Community College Baccalaureate Degree Approval Process - The bill clarifies expectations and state oversight of baccalaureate degree programs offered by FCCS institutions.

The bill adds to the performance and compliance indicators for baccalaureate degrees, and reinforces state oversight responsibilities by requiring the SBCC to direct an FCCS institution's board of trustees to terminate a baccalaureate degree program if an annual review indicates negative performance and compliance results, and the college fails to demonstrate a need for the program.

Additionally, the bill establishes a cap on upper-level, undergraduate FTE enrollment at FCCS institutions, but provides flexibility for planned and purposeful growth of baccalaureate degree programs if certain conditions are met. The bill requires FCCS institutions to obtain legislative approval for exceeding the specified upper-level, undergraduate FTE enrollment cap, and prohibits community colleges from reporting for funding, the upper-level, undergraduate fulltime equivalent enrollment that exceeds the upper-level enrollment percent specified in the bill.

The bill also reinforces the state's expectation of college affordability by requiring the college's program enrollment projections and funding requirements to include the college's efforts to sustain the program at a cost of tuition and fees for Florida residents not to exceed \$10,000 for the entire degree program, including flexible tuition and fee rates, and the use of waivers authorized by law.

Mission of Florida's Public K-20 Education System - The bill reinforces the state's expectation that institutions within Florida's K-20 education system avoid wasteful duplication of programs offered by state universities, FCCS institutions, and career centers operated by district school boards, and:

- Changes the provision of upper-level instruction and awarding baccalaureate degrees from a primary mission to a secondary mission of FCCS institutions.
- Specifies that the primary mission of a career center or a charter technical career center is to promote advances and innovations in workforce preparation and economic development.

Community College and State University Direct Support Organizations - The bill modifies requirements relating to community college and state university direct support organizations (DSO).

Joint Resolutions/Proposed Constitutional Amendments

HJR 21 - Limitations on Property Tax Assessments By: Rep. Burton Effective Date: If approved by 60 percent of voters in the 2018 general election, the amendment removes the scheduled repeal of such provisions in 2019 and shall take effect January 1, 2019.

The Florida Constitution requires all property to be assessed at just value (i.e., market value) on January 1 of each year for purposes of ad valorem taxation, subject to assessment limitations and exemptions in certain circumstances. Such assessments are used to calculate property taxes that fund counties, municipalities, district school boards and special districts. In 2008, Florida voters approved a constitutional amendment limiting annual assessment increases for most nonhomestead parcels to 10 percent of prior year assessed value. This limitation does not apply to district school board assessments or in years when a property undergoes certain changes, including changes in ownership. Unless renewed, the 2008 amendment is set to expire on January 1, 2019. Existing constitutional language directs the legislature to propose a constitutional amendment, for the 2018 general election, that would retain the cap beyond its scheduled expiration date.

The resolution proposes an amendment to the State Constitution to permanently retain provisions currently in effect, which limit property tax assessment increases on specified nonhomestead real property, except for school district taxes, to 10 percent each year. If approved, the amendment removes the scheduled repeal of such provisions in 2019 and takes effect January 1, 2019.

Should voters approve the proposed amendment, the legislative staff analysis estimated that beginning in FY 2019-20, non-school property tax bases will be lower than otherwise, implying foregone annual tax revenue of approximately \$430 million, assuming current tax rates.

Legal/Public Meetings/Records

SB 80 - Public Records By: Senator Steube Effective Date: Upon Becoming Law Approved by Governor: May 23, 2017; Ch. 2017-21, Laws of Florida

Currently, if a civil action is filed against an agency, including a school board, to enforce the public records law and if the court determines that the agency unlawfully refused to permit a public record to be inspected or copied, the court must assess and award, against the agency, the reasonable costs of enforcement including reasonable attorney fees.

The bill amends s. 119.12, F.S., relating to Attorney fees to require an

assessment and award of attorney fees if the court determines that:

The agency unlawfully refused to permit a public record to be inspected or copied; and

The complainant provided written notice identifying the public record request to the public records custodian at least 5 business days before filing the civil action, except as provided below. The notice period begins on the day the written notice of the request is received by the custodian, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed.

The complainant is not required to provide written notice of the public record request to the custodian as required above if the agency does not prominently post the contact information for the agency's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website, if the agency has a website.

The court must determine whether the complainant request to inspect or copy a public record or participated in the civil action for an improper purpose. If the court determines there was an improper purpose, the court may not assess and award the reasonable costs of enforcement, including reasonable attorney fees, to the complainant, and must assess and award against the complainant and to the agency the reasonable costs, including reasonable attorney fees, incurred by the agency in responding to the civil action. The term "improper purpose" means a request to inspect or copy a public record or to participate in the civil action primarily to cause a violation of this chapter or for a frivolous purpose.

The amended section does not create a private right of action authorizing the award of monetary damages for a person who brings an action to enforce the provisions of Chapter 119, Florida Statutes. Payments by the agency may include only the reasonable costs of enforcement, including reasonable attorney fees, directly attributable to a civil action brought to enforce the provisions of this chapter.

The act applies to public records requests made on or after the effective date of the act.

