

2014850er

1
2 An act relating to education; amending s. 1001.42,
3 F.S.; requiring a school that includes middle grades
4 to include information, data, and instructional
5 strategies in its school improvement plan; requiring a
6 school that includes middle grades to implement an
7 early warning system based on indicators to identify
8 students in need of additional academic support;
9 amending s. 1003.02, F.S.; requiring a district school
10 board to notify parents of return on investment
11 relating to industry certifications; amending s.
12 1003.42, F.S.; providing State Board of Education
13 duties relating to middle grades courses; amending s.
14 1003.4203, F.S.; requiring a district school board, in
15 consultation with the district school superintendent,
16 to make CAPE Digital Tool certificates and CAPE
17 industry certifications available to students,
18 including students with disabilities, in
19 prekindergarten through grade 12, to enable students
20 to attain digital skills; providing eligibility for
21 additional FTE funding; requiring innovative programs
22 and courses that combine academic and career
23 instructional tools and industry certifications into
24 education for both college and career preparedness;
25 providing for additional FTE funding; providing for
26 grade point average calculation; requiring the
27 Department of Education to collaborate with Florida
28 educators and school leaders to provide technical
29 assistance to district school boards regarding

2014850er

30 implementation; authorizing public schools to provide
31 students with access to third-party assessment centers
32 and career and professional academy curricula;
33 encouraging third-party assessment providers and
34 career and professional academy curricula providers to
35 provide annual training; amending s. 1003.4281, F.S.;
36 deleting calculations for paid and unpaid high school
37 credits; amending s. 1003.492, F.S.; requiring return-
38 on-investment information for career education;
39 amending s. 1003.4935, F.S.; authorizing additional
40 FTE funding for certain Digital Tool certificates and
41 industry certifications; amending s. 1003.53, F.S.;
42 authorizing dropout prevention and academic
43 intervention services for a student identified by a
44 school's early warning system; amending s. 1006.135,
45 F.S.; including middle grades schools under provisions
46 prohibiting hazing; revising the definition of the
47 term "hazing"; requiring a school district policy that
48 prohibits hazing and establishes consequences for an
49 act of hazing; revising penalty provisions and
50 providing for applicability; creating s. 1007.273,
51 F.S.; requiring a Florida College System institution
52 to work with each district school board in its
53 designated service area to establish collegiate high
54 school programs; providing options for participation
55 in a collegiate high school program; requiring a local
56 Florida College System institution to execute a
57 contract with a district school board to establish the
58 program; authorizing another Florida College System

2014850er

59 institution to execute a contract with the district
60 school board in certain circumstances; requiring each
61 district school board to execute the contract with the
62 local Florida College System institution; requiring
63 the contract to be executed by a specified date for
64 the purpose of implementation; specifying information
65 that must be included in the contract; specifying
66 requirements for student performance contracts for
67 students participating in the collegiate high school
68 program; authorizing district school boards to execute
69 a contract with a state university or certain
70 independent colleges and universities to establish the
71 collegiate high school program; providing funding;
72 requiring the State Board of Education to enforce
73 compliance; amending s. 1008.345, F.S.; correcting a
74 cross-reference; amending s. 1008.44, F.S.; requiring
75 the department to annually identify CAPE Digital Tool
76 certificates and CAPE industry certifications;
77 authorizing the Commissioner of Education to recommend
78 adding certain certificates and certifications;
79 providing requirements for inclusion of CAPE Digital
80 Tool certificates and CAPE industry certifications on
81 the funding list; authorizing the commissioner to
82 limit certain Digital Tool certificates and CAPE
83 industry certifications to students in certain grades;
84 providing requirements for the Articulation
85 Coordinating Committee; amending s. 1011.62, F.S.;
86 specifying requirements relating to additional FTE
87 funding based on completion of certain courses or

2014850er

88 programs and issuance of CAPE industry certification;
89 deleting obsolete provisions; deleting provisions
90 regarding Florida Cyber Security Recognition, Florida
91 Digital Arts Recognition, and Florida Digital Tool
92 Certificates; amending s. 1012.98, F.S.; providing
93 requirements relating to professional development,
94 including inservice plans and instructional
95 strategies, for middle grades educators; requiring the
96 Department of Education to disseminate professional
97 development in the use of integrated digital
98 instruction; amending s. 11.45, F.S.; authorizing the
99 Auditor General to conduct audits of the accounts and
100 records of nonprofit scholarship-funding
101 organizations; creating s. 1002.385, F.S.;
102 establishing the Florida Personal Learning Scholarship
103 Accounts Program; defining terms; specifying criteria
104 for students who are eligible to participate in the
105 program; identifying certain students who are not
106 eligible to participate in the program; authorizing
107 the use of awarded funds for specific purposes;
108 prohibiting specific providers, schools, institutions,
109 school districts, and other entities from sharing,
110 refunding, or rebating program funds; specifying the
111 terms of the program; requiring a school district to
112 notify the parent regarding the option to participate
113 in the program; specifying the school district's
114 responsibilities for completing a matrix of services
115 and notifying the Department of Education of the
116 completion of the matrix; requiring the department to

2014850er

117 notify the parent regarding the amount of the awarded
118 funds; authorizing the school district to change the
119 matrix under certain circumstances; requiring the
120 school district in which a student resides to notify
121 students and parents of locations and times to take
122 all statewide assessments; requiring the school
123 district to notify parents of the availability of a
124 reevaluation; specifying the eligibility requirements
125 and obligations of an eligible private school relating
126 to the program; specifying the duties of the
127 Department of Education relating to the program;
128 requiring the Commissioner of Education to deny,
129 suspend, or revoke participation in the program or use
130 of program funds under certain circumstances;
131 providing additional factors under which the
132 commissioner may deny, suspend, or revoke a
133 participation in the program or program funds;
134 requiring a parent to sign an agreement with the
135 Department of Education to enroll his or her child in
136 the program which specifies the responsibilities of a
137 parent or student for using funds in an account and
138 for submitting a compliance statement to the
139 department; providing that a parent who fails to
140 comply with the responsibilities of the agreement
141 forfeits the personal learning scholarship account;
142 authorizing an eligible nonprofit scholarship-funding
143 organization to establish personal learning
144 scholarship accounts for eligible students
145 participating in the program; providing for funding

2014850er

146 and payments; providing for the closing of a student's
147 account and reversion of funds to the state; requiring
148 an eligible nonprofit scholarship-funding organization
149 to develop a system for payment of benefits by
150 electronic funds transfer; providing that moneys
151 received pursuant to the program do not constitute
152 taxable income; providing the Auditor General's
153 obligations under the program; requiring the
154 Department of Health, the Agency for Persons with
155 Disabilities, and the Department of Education to work
156 with an eligible nonprofit scholarship-funding
157 organization for easy or automated access to lists of
158 licensed providers of services; providing that the
159 state is not liable for the award or use of awarded
160 funds; providing for the scope of authority of the
161 act; requiring the State Board of Education to adopt
162 rules to administer the program; providing for
163 implementation of the program in a specified school
164 year; amending s. 1002.395, F.S.; revising the purpose
165 of the Florida Tax Credit Scholarship Program;
166 revising definitions; revising eligibility
167 requirements for the Florida Tax Credit Scholarship
168 Program; requiring the Department of Education and
169 Department of Revenue to publish the tax credit cap on
170 their websites when it is increased; requiring the
171 Department of Revenue to provide a copy of a letter
172 approving a taxpayer for a specified tax credit to the
173 eligible nonprofit scholarship-funding organization;
174 authorizing certain entities to convey, transfer, or

2014850er

175 assign certain tax credits; providing for the
176 calculation of underpayment of estimated corporate
177 income taxes and tax installation payments for taxes
178 on insurance premiums and assessments and the
179 determination of whether penalties or interest shall
180 be imposed on the underpayment; revising the
181 disqualifying offenses for nonprofit scholarship-
182 funding organization owners and operators; revising
183 priority for new applicants; allowing a student in
184 foster care or out-of-home care to apply for a
185 scholarship at any time; prohibiting use of eligible
186 contributions from being used for lobbying or
187 political activity or related expenses; requiring
188 application fees to be expended for student
189 scholarships in any year a nonprofit scholarship-
190 funding organization uses eligible contributions for
191 administrative expenses; requiring amounts carried
192 forward to be specifically reserved for particular
193 students and schools for audit purposes; revising
194 audit and report requirements for nonprofit
195 scholarship-funding organizations and Auditor General
196 review of all reports; requiring nonprofit
197 scholarship-funding organizations to maintain a surety
198 bond or letter of credit and to adjust the bond or
199 letter of credit quarterly based upon a statement from
200 a certified public accountant; providing exceptions;
201 requiring the nonprofit scholarship-funding
202 organization to provide the Auditor General any
203 information or documentation requested in connection

2014850er

204 with an operational audit; requiring a private school
205 to provide agreed upon transportation and make
206 arrangements for taking statewide assessments at the
207 school district testing site and in accordance with
208 the district's testing schedule if the student chooses
209 to take the statewide assessment; requiring parental
210 authorization for access to income eligibility
211 information; specifying that the independent research
212 organization is the Learning System Institute at the
213 Florida State University; identifying grant terms and
214 payments; revising statewide and individual school
215 report requirements; revising limitations on annual
216 scholarship amounts; providing initial and renewal
217 application requirements and an approval process for a
218 charitable organization that seeks to be a nonprofit
219 scholarship-funding organization; requiring the State
220 Board of Education to adopt rules; providing a
221 registration notice requirement for public and private
222 universities to be nonprofit scholarship-funding
223 organizations; requiring the State Board of Education
224 to adopt rules; allowing existing nonprofit
225 scholarship-funding organizations to provide the
226 required bond at a specified date; repealing s.
227 1003.438, F.S., relating to special high school
228 graduation requirements for certain exceptional
229 students; creating s. 1003.5716, F.S.; providing that
230 certain students with disabilities have a right to
231 free, appropriate public education; requiring an
232 individual education plan (IEP) team to begin the

2014850er

233 process of, and to develop an IEP for, identifying
234 transition services needs for a student with a
235 disability before the student attains a specified age;
236 providing requirements for the process; requiring
237 certain statements to be included and annually updated
238 in the IEP; providing that changes in the goals
239 specified in an IEP are subject to independent review
240 and parental approval; requiring the school district
241 to reconvene the IEP team to identify alternative
242 strategies to meet transition objectives if a
243 participating agency fails to provide transition
244 services specified in the IEP; providing that the
245 agency's failure does not relieve the agency of the
246 responsibility to provide or pay for the transition
247 services that the agency otherwise would have
248 provided; amending s. 1003.572, F.S.; prohibiting a
249 school district from charging fees or imposing
250 additional requirements on private instructional
251 personnel; amending s. 1008.25, F.S.; requiring
252 written notification relating to portfolios to a
253 parent of a student with a substantial reading
254 deficiency; requiring a student promoted to a certain
255 grade with a good cause exemption to receive intensive
256 reading instruction and intervention; requiring a
257 school district to assist schools and teachers with
258 the implementation of reading strategies; revising
259 good cause exemptions; directing the Florida Prepaid
260 College Board to conduct a study and submit to the
261 Legislature a report under established parameters;

2014850er

262 amending ss. 120.81, 409.1451, and 1007.263, F.S.;

263 conforming cross-references; providing for application

264 of specified provisions in the act; amending s.

265 985.622, F.S.; revising requirements for the

266 multiagency education plan for students in juvenile

267 justice education programs; including virtual

268 education as an option; amending s. 1001.31, F.S.;

269 authorizing instructional personnel at all juvenile

270 justice facilities to access specific student records

271 at the district; amending s. 1003.51, F.S.; revising

272 terminology; revising requirements for rules to be

273 maintained by the State Board of Education; providing

274 expectations for effective education programs for

275 students in Department of Juvenile Justice programs;

276 revising requirements for contract and cooperative

277 agreements for the delivery of appropriate education

278 services to students in Department of Juvenile Justice

279 programs; requiring the Department of Education to

280 ensure that juvenile justice students who are eligible

281 have access to highschool equivalency testing and

282 assist juvenile justice education programs with

283 becoming high school equivalency testing centers;

284 revising requirements for an accountability system for

285 all juvenile justice education programs; revising

286 requirements for district school boards; amending s.

287 1003.52, F.S.; revising requirements for activities to

288 be coordinated by the coordinators for juvenile

289 justice education programs; authorizing contracting

290 for educational assessments; revising requirements for

2014850er

291 assessments; authorizing access to local virtual
292 education courses; requiring that an education program
293 shall be based on each student's transition plan and
294 assessed educational needs; providing requirements for
295 prevention and day treatment juvenile justice
296 education programs; requiring progress monitoring
297 plans for all students not classified as exceptional
298 student education students; revising requirements for
299 such plans; requiring the Department of Education, in
300 partnership with the Department of Juvenile Justice,
301 to ensure that school districts and juvenile justice
302 education providers develop individualized transition
303 plans; providing requirements for such plans;
304 authorizing the Secretary of Juvenile Justice or the
305 director of a juvenile justice program to request that
306 a school district teacher's performance be reviewed by
307 the district and that the teacher be reassigned in
308 certain circumstances; requiring the Department of
309 Education to establish by rule objective and
310 measurable student performance measures and program
311 performance ratings; providing requirements for such
312 ratings; requiring a comprehensive accountability and
313 program improvement process; providing requirements
314 for such a process; deleting provisions for minimum
315 thresholds for the standards and key indicators for
316 education programs in juvenile justice facilities;
317 revising data collection and annual report
318 requirements; deleting provisions concerning the
319 Arthur Dozier School for Boys; requiring rulemaking;

2014850er

320 amending s. 1001.42, F.S.; revising terminology;
321 revising a cross-reference; amending s. 1003.4282,
322 F.S.; revising provisions relating to the online
323 course requirement for a standard high school diploma;
324 providing standard high school diploma requirements
325 for students with disabilities; requiring an
326 independent review and a parent's approval to change a
327 high school graduation option specified in the
328 student's individual education plan; providing for a
329 student with a disability to defer the receipt of a
330 standard high school diploma under certain
331 circumstances; authorizing certain students with
332 disabilities to continue to receive certain
333 instruction and services; requiring parental approval
334 and independent review of a waiver of statewide,
335 standardized assessments; requiring the State Board of
336 Education to adopt rules; providing construction with
337 respect to the passage of similar legislation;
338 creating s. 1003.4995, F.S.; requiring the
339 Commissioner of Education to prepare an annual report
340 relating to student access to and participation in
341 fine arts courses and information on educators,
342 facilities, and instruction in such courses; renaming
343 the Florida Agricultural and Mechanical University
344 Crestview Education Center as the "Senator Durell
345 Peaden, Jr., FAMU Educational Center"; providing
346 effective dates.

347
348 Be It Enacted by the Legislature of the State of Florida:

2014850er

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350 Section 1. Subsection (18) of section 1001.42, Florida
351 Statutes, is amended to read:

352 1001.42 Powers and duties of district school board.—The
353 district school board, acting as a board, shall exercise all
354 powers and perform all duties listed below:

355 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
356 Maintain a state system of school improvement and education
357 accountability as provided by statute and State Board of
358 Education rule. This system of school improvement and education
359 accountability shall be consistent with, and implemented
360 through, the district's continuing system of planning and
361 budgeting required by this section and ss. 1008.385, 1010.01,
362 and 1011.01. This system of school improvement and education
363 accountability shall comply with the provisions of ss. 1008.33,
364 1008.34, 1008.345, and 1008.385 and include the following:

365 (a) *School improvement plans.*—

366 1. The district school board shall annually approve and
367 require implementation of a new, amended, or continuation school
368 improvement plan for each school in the district. If a school
369 has a significant gap in achievement on statewide assessments
370 pursuant to s. 1008.34(3)(b) by one or more student subgroups,
371 as defined in the federal Elementary and Secondary Education Act
372 (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly
373 decreased the percentage of students scoring below satisfactory
374 on statewide assessments; or has significantly lower graduation
375 rates for a subgroup when compared to the state's graduation
376 rate, that school's improvement plan shall include strategies
377 for improving these results. The state board shall adopt rules

2014850er

378 establishing thresholds and for determining compliance with this
379 ~~subparagraph~~ ~~paragraph~~.

380 2. A school that includes any of grades 6, 7, or 8 shall
381 include annually in its school improvement plan information and
382 data on the school's early warning system required under
383 paragraph (b), including a list of the early warning indicators
384 used in the system, the number of students identified by the
385 system as exhibiting two or more early warning indicators, the
386 number of students by grade level that exhibit each early
387 warning indicator, and a description of all intervention
388 strategies employed by the school to improve the academic
389 performance of students identified by the early warning system.
390 In addition, a school that includes any of grades 6, 7, or 8
391 shall describe in its school improvement plan the strategies
392 used by the school to implement the instructional practices for
393 middle grades emphasized by the district's professional
394 development system pursuant to s. 1012.98(4)(b)9.

395 (b) Early warning system.—

396 1. A school that includes any of grades 6, 7, or 8 shall
397 implement an early warning system to identify students in grades
398 6, 7, and 8 who need additional support to improve academic
399 performance and stay engaged in school. The early warning system
400 must include the following early warning indicators:

401 a. Attendance below 90 percent, regardless of whether
402 absence is excused or a result of out-of-school suspension.

403 b. One or more suspensions, whether in school or out of
404 school.

405 c. Course failure in English Language Arts or mathematics.

406 d. A Level 1 score on the statewide, standardized

2014850er

407 assessments in English Language Arts or mathematics.

408

409 A school district may identify additional early warning
410 indicators for use in a school's early warning system.

411 2. When a student exhibits two or more early warning
412 indicators, the school's child study team under s. 1003.02 or a
413 school-based team formed for the purpose of implementing the
414 requirements of this paragraph shall convene to determine
415 appropriate intervention strategies for the student. The school
416 shall provide at least 10 days' written notice of the meeting to
417 the student's parent, indicating the meeting's purpose, time,
418 and location, and provide the parent the opportunity to
419 participate.

420 (c) ~~(b)~~ Public disclosure.—The district school board shall
421 provide information regarding the performance of students and
422 educational programs as required pursuant to ss. 1008.22 and
423 1008.385 and implement a system of school reports as required by
424 statute and State Board of Education rule which shall include
425 schools operating for the purpose of providing educational
426 services to students ~~youth~~ in Department of Juvenile Justice
427 programs, and for those schools, report on the elements
428 specified in s. 1003.52(17) ~~1003.52(19)~~. Annual public
429 disclosure reports shall be in an easy-to-read report card
430 format and shall include the school's grade, high school
431 graduation rate calculated without high school equivalency
432 examinations ~~GED tests~~, disaggregated by student ethnicity, and
433 performance data as specified in state board rule.

434 (d) ~~(e)~~ School improvement funds.—The district school board
435 shall provide funds to schools for developing and implementing

2014850er

436 school improvement plans. Such funds shall include those funds
437 appropriated for the purpose of school improvement pursuant to
438 s. 24.121(5)(c).

439 Section 2. Subsection (1) of section 1003.02, Florida
440 Statutes, is amended to read:

441 1003.02 District school board operation and control of
442 public K-12 education within the school district.—As provided in
443 part II of chapter 1001, district school boards are
444 constitutionally and statutorily charged with the operation and
445 control of public K-12 education within their school district.
446 The district school boards must establish, organize, and operate
447 their public K-12 schools and educational programs, employees,
448 and facilities. Their responsibilities include staff
449 development, public K-12 school student education including
450 education for exceptional students and students in juvenile
451 justice programs, special programs, adult education programs,
452 and career education programs. Additionally, district school
453 boards must:

454 (1) Provide for the proper accounting for all students of
455 school age, for the attendance and control of students at
456 school, and for proper attention to health, safety, and other
457 matters relating to the welfare of students in the following
458 areas ~~fields~~:

459 (a) *Admission, classification, promotion, and graduation of*
460 *students.*—Adopt rules for admitting, classifying, promoting, and
461 graduating students to or from the various schools of the
462 district.

463 (b) *Enforcement of attendance laws.*—Provide for the
464 enforcement of all laws and rules relating to the attendance of

2014850er

465 students at school. District school boards are authorized to
466 establish policies that allow accumulated unexcused tardies,
467 regardless of when they occur during the school day, and early
468 departures from school to be recorded as unexcused absences.
469 District school boards are also authorized to establish policies
470 that require referral to a school's child study team for
471 students who have fewer absences than the number required by s.
472 1003.26(1) (b).

473 (c) *Control of students.*—

474 1. Adopt rules for the control, attendance, discipline, in-
475 school suspension, suspension, and expulsion of students and
476 decide all cases recommended for expulsion.

477 2. Maintain a code of student conduct as provided in
478 chapter 1006.

479 (d) *Courses of study and instructional materials.*—

480 1. Provide adequate instructional materials for all
481 students as follows and in accordance with the requirements of
482 chapter 1006, in the core courses of mathematics, language arts,
483 social studies, science, reading, and literature, except for
484 instruction for which the school advisory council approves the
485 use of a program that does not include a textbook as a major
486 tool of instruction.

487 2. Adopt courses of study for use in the schools of the
488 district.

489 3. Provide for proper requisitioning, distribution,
490 accounting, storage, care, and use of all instructional
491 materials as may be needed, and ensure that instructional
492 materials used in the district are consistent with the district
493 goals and objectives and the curriculum frameworks approved by

2014850er

494 the State Board of Education, as well as with the state and
495 school district performance standards required by law and state
496 board rule.

497 (e) *Transportation.*—Make provision for the transportation
498 of students to the public schools or school activities they are
499 required or expected to attend, efficiently and economically, in
500 accordance with the requirements of chapter 1006, which function
501 may be accomplished, in whole or part, by means of an interlocal
502 agreement under s. 163.01.

503 (f) *Facilities and school plant.*—

504 1. Approve and adopt a districtwide school facilities
505 program, in accordance with the requirements of chapter 1013.

506 2. Approve plans for locating, planning, constructing,
507 sanitating, insuring, maintaining, protecting, and condemning
508 school property as prescribed in chapter 1013.

509 3. Approve and adopt a districtwide school building
510 program.

511 4. Select and purchase school sites, playgrounds, and
512 recreational areas located at centers at which schools are to be
513 constructed, of adequate size to meet the needs of projected
514 students to be accommodated.

515 5. Approve the proposed purchase of any site, playground,
516 or recreational area for which school district funds are to be
517 used.

518 6. Expand existing sites.

519 7. Rent buildings when necessary, which function may be
520 accomplished, in whole or part, by means of an interlocal
521 agreement under s. 163.01.

522 8. Enter into leases or lease-purchase arrangements, in

2014850er

523 accordance with the requirements and conditions provided in s.
524 1013.15(2).

525 9. Provide for the proper supervision of construction.

526 10. Make or contract for additions, alterations, and
527 repairs on buildings and other school properties.

528 11. Ensure that all plans and specifications for buildings
529 provide adequately for the safety and well-being of students, as
530 well as for economy of construction.

531 12. Provide adequately for the proper maintenance and
532 upkeep of school plants, which function may be accomplished, in
533 whole or part, by means of an interlocal agreement under s.
534 163.01.

535 13. Carry insurance on every school building in all school
536 plants including contents, boilers, and machinery, except
537 buildings of three classrooms or less which are of frame
538 construction and located in a tenth class public protection zone
539 as defined by the Florida Inspection and Rating Bureau, and on
540 all school buses and other property under the control of the
541 district school board or title to which is vested in the
542 district school board, except as exceptions may be authorized
543 under rules of the State Board of Education.

544 14. Condemn and prohibit the use for public school purposes
545 of any building under the control of the district school board.

546 (g) *School operation.*—

547 1. Provide for the operation of all public schools as free
548 schools for a term of 180 days or the equivalent on an hourly
549 basis as specified by rules of the State Board of Education;
550 determine district school funds necessary in addition to state
551 funds to operate all schools for the minimum term; and arrange

2014850er

552 for the levying of district school taxes necessary to provide
553 the amount needed from district sources.

554 2. Prepare, adopt, and timely submit to the Department of
555 Education, as required by law and by rules of the State Board of
556 Education, the annual school budget, so as to promote the
557 improvement of the district school system.

558 (h) *Records and reports.*—

559 1. Keep all necessary records and make all needed and
560 required reports, as required by law or by rules of the State
561 Board of Education.

562 2. At regular intervals require reports to be made by
563 principals or teachers in all public schools to the parents of
564 the students enrolled and in attendance at their schools,
565 apprising them of the academic and other progress being made by
566 the student and giving other useful information.

567 (i) *Parental notification of acceleration options.*—At the
568 beginning of each school year, notify parents of students in or
569 entering high school of the opportunity and benefits of advanced
570 placement, International Baccalaureate, Advanced International
571 Certificate of Education, dual enrollment, and Florida Virtual
572 School courses and options for early graduation under s.
573 1003.4281.

574 (j) *Return on investment.*—Notify the parent of a student
575 who earns an industry certification that articulates for
576 postsecondary credit of the estimated cost savings to the parent
577 before the student's high school graduation versus the cost of
578 acquiring such certification after high school graduation, which
579 would include the tuition and fees associated with available
580 postsecondary credits. Also, the student and the parent must be

2014850er

581 informed of any additional industry certifications available to
582 the student.

583 Section 3. Subsection (1) of section 1003.42, Florida
584 Statutes, is amended to read:

585 1003.42 Required instruction.—

586 (1) Each district school board shall provide all courses
587 required for middle grades promotion, high school graduation,
588 and appropriate instruction designed to ensure that students
589 meet State Board of Education adopted standards in the following
590 subject areas: reading and other language arts, mathematics,
591 science, social studies, foreign languages, health and physical
592 education, and the arts. The state board must remove a middle
593 grades course in the Course Code Directory that does not fully
594 integrate all appropriate curricular content required by s.
595 1003.41 and may approve a new course only if it meets the
596 required curricular content.

597 Section 4. Section 1003.4203, Florida Statutes, is amended
598 to read:

599 1003.4203 Digital materials, CAPE Digital Tool
600 ~~recognitions~~, certificates, and technical assistance.—

601 (1) DIGITAL MATERIALS.—Each district school board, in
602 consultation with the district school superintendent, shall make
603 available digital materials, CAPE Digital Tool certificates, and
604 CAPE industry certifications for students in prekindergarten
605 through grade 12 in order to enable students to attain digital
606 skills. The digital materials, CAPE Digital Tool certificates,
607 and CAPE industry certifications may be integrated into subject
608 area curricula, offered as a separate course, made available
609 through open-access options, or deployed through online or

2014850er

610 digital computer applications, ~~subject to available funding.~~

611 (2) CAPE ESE DIGITAL TOOLS. ~~Beginning with the 2013-2014~~
612 ~~school year,~~ Each district school board, in consultation with
613 the district school superintendent, shall make available digital
614 and instructional materials, including software applications, to
615 students with disabilities who are in prekindergarten through
616 grade 12. Beginning with the 2015-2016 school year:

617 (a) Digital materials may include CAPE Digital Tool
618 certificates, workplace industry certifications, and OSHA
619 industry certifications identified pursuant to s. 1008.44 for
620 students with disabilities; and

621 (b) Each student's individual educational plan for students
622 with disabilities developed pursuant to this chapter must
623 identify the CAPE Digital Tool certificates and CAPE industry
624 certifications the student seeks to attain before high school
625 graduation.

626 ~~(3) Subject to available funding, by December 1, 2013, the~~
627 ~~department shall contract with one or more technology companies,~~
628 ~~or affiliated nonprofit organizations, that have approved~~
629 ~~industry certifications identified on the Industry Certification~~
630 ~~Funding List or the Postsecondary Industry Certification Funding~~
631 ~~List, pursuant to s. 1003.492 or s. 1008.44, to develop a~~
632 ~~Florida Cyber Security Recognition and a Florida Digital Arts~~
633 ~~Recognition. The department shall notify each school district~~
634 ~~when the recognitions are developed and available. The~~
635 ~~recognitions shall be made available to all public elementary~~
636 ~~school students at no cost to the districts or charter schools.~~

637 (a) ~~Targeted knowledge and skills to be mastered for each~~
638 ~~recognition shall be identified by the department. Knowledge and~~

2014850er

639 ~~skills may be demonstrated through student attainment of the~~
640 ~~below recognitions in particular content areas:~~

641 ~~1. The Florida Cyber Security Recognition must be based~~
642 ~~upon an understanding of computer processing operations and, in~~
643 ~~most part, on cyber security skills that increase a student's~~
644 ~~cyber-safe practices.~~

645 ~~2. The Florida Digital Arts Recognition must reflect a~~
646 ~~balance of skills in technology and the arts.~~

647 ~~(b) The technology companies or affiliated nonprofit~~
648 ~~organizations that provide the recognition must provide open~~
649 ~~access to materials for teaching and assessing the skills a~~
650 ~~student must acquire in order to earn a Florida Cyber Security~~
651 ~~Recognition or a Florida Digital Arts Recognition. The school~~
652 ~~district shall notify each elementary school advisory council of~~
653 ~~the methods of delivery of the open-access content and~~
654 ~~assessments. If there is no elementary school advisory council,~~
655 ~~notification must be provided to the district advisory council.~~

656 ~~(3)-(4) CAPE DIGITAL TOOL CERTIFICATES. Subject to available~~
657 ~~funding, by December 1, 2013, The department shall identify, by~~
658 ~~June 15 of each year, CAPE Digital Tool certificates that~~
659 ~~contract with one or more technology companies that have~~
660 ~~approved industry certifications identified on the Industry~~
661 ~~Certification Funding List or the Postsecondary Industry~~
662 ~~Certification Funding List, pursuant to s. 1003.492 or s.~~
663 ~~1008.44, to develop a Florida Digital Tools Certificate to~~
664 ~~indicate a student's digital skills. The department shall notify~~
665 ~~each school district when the certificates are ~~certificate is~~~~
666 ~~developed and available. The certificates ~~certificate~~ shall be~~
667 ~~made available to all public elementary and middle grades~~

2014850er

668 students ~~at no cost to the districts or charter schools.~~

669 (a) Targeted skills to be mastered for the certificate
670 include digital skills that are necessary to the student's
671 academic work and skills the student may need in future
672 employment. The skills must include, but are not limited to,
673 word processing; spreadsheets; ~~spreadsheet display, and~~
674 ~~creation of presentations, including sound, motion, and color~~
675 presentations; digital arts; cybersecurity; and coding including
676 ~~sound, text, and graphic presentations,~~ consistent with CAPE
677 industry certifications that are listed on the CAPE Industry
678 Certification Funding List, pursuant to ss. 1003.492 and
679 1008.44. CAPE Digital Tool certificates earned by students are
680 eligible for additional full-time equivalent membership pursuant
681 to s. 1011.62(1)(o)1.a s. 1003.492.

682 (b) ~~A technology company that provides the certificate must~~
683 ~~provide open access to materials for teaching and assessing the~~
684 ~~skills necessary to earn the certificate.~~ The school district
685 shall notify each middle school advisory council of the methods
686 of delivery of the open-access content and assessments for the
687 certificates ~~certificate.~~ If there is no middle school advisory
688 council, notification must be provided to the district advisory
689 council.

690 (c) The Legislature intends that by July 1, 2018, on an
691 annual basis, at least 75 percent of public middle grades
692 students earn at least one CAPE Digital Tool certificate ~~a~~
693 ~~Florida Digital Tools Certificate.~~

694 (4) CAPE INDUSTRY CERTIFICATIONS.-

695 (a) CAPE industry certifications, issued to middle school
696 and high school students, which do not articulate for college

2014850er

697 credit, are eligible for additional full-time equivalent
698 membership pursuant to s. 1011.62(1)(o)1.b.

699 (b) CAPE industry certifications, issued to high school
700 students, which articulate for college credit, are eligible for
701 additional full-time equivalent membership pursuant to s.
702 1011.62(1)(o)1.b.

703 (5) CAPE INNOVATION AND CAPE ACCELERATION.—

704 (a) CAPE Innovation.—Up to five courses annually approved
705 by the commissioner that combine academic and career content,
706 and performance outcome expectations that, if achieved by a
707 student, shall articulate for college credit and be eligible for
708 additional full-time equivalent membership pursuant to s.
709 1011.62(1)(o)1.c. Such approved courses must incorporate at
710 least two third-party assessments that, if successfully
711 completed by a student, shall articulate for college credit. At
712 least one of the two third-party assessments must be associated
713 with an industry certification that is identified on the CAPE
714 Industry Certification Funding List. Each course that is
715 approved by the commissioner must be specifically identified in
716 the Course Code Directory as a CAPE Innovation Course.

717 (b) CAPE Acceleration.—Industry certifications, annually
718 approved by the commissioner, that articulate for 15 or more
719 college credit hours and, if successfully completed, shall be
720 eligible for additional full-time equivalent membership pursuant
721 to s. 1011.62(1)(o)1.d. Each approved industry certification
722 must be specifically identified in the CAPE Industry
723 Certification Funding List as a CAPE Acceleration Industry
724 Certification.

725 (6) GRADE POINT AVERAGE CALCULATION.—For purposes of

2014850er

726 calculating grade point average, a grade in a course that is
727 level 3 or above and leads to an industry certification must be
728 weighted the same as a grade in an Honors course.

729 (7)(5) TECHNICAL ASSISTANCE.—

730 (a) The Department of Education ~~or a company contracted~~
731 with under subsection (4) shall collaborate with Florida
732 educators and school leaders to provide technical assistance to
733 district school boards in the implementation of this section.
734 Technical assistance to districts shall include, but is not
735 limited to, identification of digital resources, primarily open-
736 access resources, including digital curriculum, instructional
737 materials, media assets, and other digital tools and
738 applications; training mechanisms for teachers and others to
739 facilitate integration of digital resources and technologies
740 into instructional strategies; and model policies and procedures
741 that support sustainable implementation practices.

742 (b) Public schools may provide students with access to
743 third-party assessment centers and career and professional
744 academy curricula in a digital format in support of CAPE Digital
745 Tool certificates and CAPE industry certifications, pursuant to
746 ss. 1003.4203 and 1008.44, to assist public schools and school
747 districts to establish Florida Digital Classrooms.

748 (8)(6) PARTNERSHIPS.—

749 (a) A district school board may seek partnerships with
750 other school districts, private businesses, postsecondary
751 institutions, or consultants to offer classes and instruction to
752 teachers and students to assist the school district in providing
753 digital materials, CAPE Digital Tool recognitions, and
754 certificates, and CAPE industry certifications established

2014850er

755 pursuant to this section.

756 (b) Third-party assessment providers and career and
757 professional academy curricula providers are encouraged to
758 provide annual training to staff of the Department of Education,
759 staff of school district offices, instructional staff of public
760 schools, including charter schools, and other appropriate
761 administrative staff through face-to-face training models;
762 online, video conferencing training models; and through state,
763 regional, or conference presentations.

764 (9)(7) RULES.—The State Board of Education shall adopt
765 rules to administer this section.

766 Section 5. Subsection (5) of section 1003.4281, Florida
767 Statutes, is amended to read:

768 1003.4281 Early high school graduation.—

769 ~~(5) For purposes of this section, a credit is equal to 1/6~~
770 ~~FTE. A student may earn up to six paid high school credits~~
771 ~~equivalent to 1 FTE per school year in grades 9 through 12 for~~
772 ~~courses provided by the school district. High school credits~~
773 ~~earned in excess of six per school year in courses delivered by~~
774 ~~the school district are unpaid credits.~~

775 Section 6. Subsection (3) of section 1003.492, Florida
776 Statutes, is amended to read:

777 1003.492 Industry-certified career education programs.—

778 (3) The Department of Education shall collect student
779 achievement and performance data in industry-certified career
780 education programs and career-themed courses and shall work with
781 Workforce Florida, Inc., in the analysis of collected data. The
782 data collection and analyses shall examine the performance of
783 participating students over time. Performance factors shall

2014850er

784 include, but not be limited to, graduation rates, retention
785 rates, Florida Bright Futures Scholarship awards, additional
786 educational attainment, employment records, earnings, industry
787 certification, return on investment, and employer satisfaction.
788 The results of this study shall be submitted to the President of
789 the Senate and the Speaker of the House of Representatives
790 annually by December 31.

791 Section 7. Subsection (4) is added to section 1003.4935,
792 Florida Statutes, to read:

793 1003.4935 Middle grades career and professional academy
794 courses and career-themed courses.—

795 (4) CAPE Digital Tool certificates and CAPE industry
796 certifications offered in the middle grades that are included on
797 the CAPE Industry Certification Funding List, if earned by
798 students, are eligible for additional full-time equivalent
799 membership pursuant to s. 1011.62(1)(o)1.a. and b.

800 Section 8. Paragraph (c) of subsection (1) of section
801 1003.53, Florida Statutes, is amended to read:

802 1003.53 Dropout prevention and academic intervention.—

803 (1)

804 (c) A student shall be identified as being eligible to
805 receive services funded through the dropout prevention and
806 academic intervention program based upon one of the following
807 criteria:

808 1. The student is academically unsuccessful as evidenced by
809 low test scores, retention, failing grades, low grade point
810 average, falling behind in earning credits, or not meeting the
811 state or district proficiency levels in reading, mathematics, or
812 writing.

2014850er

813 2. The student has a pattern of excessive absenteeism or
814 has been identified as a habitual truant.

815 3. The student has a history of disruptive behavior in
816 school or has committed an offense that warrants out-of-school
817 suspension or expulsion from school according to the district
818 school board's code of student conduct. For the purposes of this
819 program, "disruptive behavior" is behavior that:

820 a. Interferes with the student's own learning or the
821 educational process of others and requires attention and
822 assistance beyond that which the traditional program can provide
823 or results in frequent conflicts of a disruptive nature while
824 the student is under the jurisdiction of the school either in or
825 out of the classroom; or

826 b. Severely threatens the general welfare of students or
827 others with whom the student comes into contact.

828 4. The student is identified by a school's early warning
829 system pursuant to s. 1001.42(18)(b).

830 Section 9. Section 1006.135, Florida Statutes, is amended
831 to read:

832 1006.135 Hazing prohibited at ~~high~~ schools with any of
833 grades 6-12 ~~9-12 prohibited.~~

834 (1) DEFINITION.—As used in this section, "hazing" means any
835 action or situation that ~~recklessly or intentionally~~ endangers
836 the mental or physical health or safety of a student at a ~~high~~
837 school with any of grades 6 ~~9~~ through 12 for purposes including,
838 but not limited to, initiation or admission into or affiliation
839 with any organization operating under the sanction of a ~~high~~
840 school with any of grades 6 ~~9~~ through 12. "Hazing" includes, but
841 is not limited to:7

2014850er

842 (a) Pressuring, ~~or~~ coercing, or forcing a the student into:
843 1. Violating state or federal law;
844 2. Consuming any food, liquor, drug, or other substance; or
845 3. Participating in physical activity that could adversely
846 affect the health or safety of the student.

847 (b) Any brutality of a physical nature, such as whipping,
848 beating, branding, or exposure to the elements, ~~forced~~
849 consumption of any food, liquor, drug, or other substance, or
850 other forced physical activity that could adversely affect the
851 physical health or safety of the student, and also includes any
852 activity that would subject the student to extreme mental
853 stress, such as sleep deprivation, forced exclusion from social
854 contact, forced conduct that could result in extreme
855 embarrassment, or other forced activity that could adversely
856 affect the mental health or dignity of the student.

857
858 Hazing does not include customary athletic events or other
859 similar contests or competitions or any activity or conduct that
860 furthers a legal and legitimate objective.

861 (2) SCHOOL DISTRICT POLICY.—Each school district shall
862 adopt in rule a policy that prohibits hazing and establishes
863 consequences for a student who commits an act of hazing. The
864 policy must include:

865 (a) A definition of hazing, which must include the
866 definition provided in this section.

867 (b) A procedure for reporting an alleged act of hazing,
868 including provisions that permit a person to anonymously report
869 such an act. However, disciplinary action may not be based
870 solely on an anonymous report.

2014850er

871 (c) A requirement that a school with any of grades 9
872 through 12 report an alleged act of hazing to a local law
873 enforcement agency if the alleged act meets the criteria
874 established under subsection (3).

875 (d) A provision for referral of victims and perpetrators of
876 hazing to a certified school counselor.

877 (e) A requirement that each incident of hazing be reported
878 in the school's safety and discipline report required under s.
879 1006.09(6). The report must include the number of hazing
880 incidents reported, the number of incidents referred to a local
881 law enforcement agency, the number of incidents that result in
882 disciplinary action taken by the school, and the number of
883 incidents that do not result in either referral to a local law
884 enforcement agency or disciplinary action taken by the school.

885 (3)~~(2)~~ CRIMINAL PENALTIES.-This subsection applies only to
886 students in any of grades 9 through 12.

887 (a)1. A person who commits an act of hazing, a third degree
888 felony, punishable as provided in s. 775.082 or s. 775.083, when
889 he or she intentionally or recklessly commits any act of hazing
890 as defined in subsection (1) upon another person who is a member
891 of or an applicant to any type of student organization commits a
892 felony of the third degree, punishable as provided in s. 775.082
893 or s. 775.083, if the person knew or should have known the act
894 would result in serious bodily injury or death of such other
895 person and the act hazing results in serious bodily injury or
896 death of such other person.

897 2.~~(3)~~ A person who commits an act of hazing, a first degree
898 misdemeanor, punishable as provided in s. 775.082 or s. 775.083,
899 when he or she intentionally or recklessly commits any act of

2014850er

900 ~~hazing as defined in subsection (1)~~ upon another person who is a
901 member of or an applicant to any type of student organization
902 commits a misdemeanor of the first degree, punishable as
903 provided in s. 775.082 or s. 775.083, if the person knew or
904 should have known the act would create a potential risk of
905 physical injury or death to such other person and the act hazing
906 creates a potential ~~substantial~~ risk of physical injury or death
907 to such other person.

908 (b) ~~(4)~~ As a condition of any sentence imposed pursuant to
909 paragraph (a) subsection (2) or subsection (3), the court:

910 1. Shall order the defendant to attend and complete a 4-
911 hour hazing education course and may also impose a condition of
912 drug or alcohol probation.

913 2. May require the defendant to make a public apology to
914 the students and victims at the school.

915 3. May require the defendant to participate in a school-
916 sponsored antihazing campaign to raise awareness of what
917 constitutes hazing and the penalties for hazing.

918 (c) ~~(5)~~ It is not a defense to a charge of hazing that:

919 1. ~~(a)~~ Consent of the victim had been obtained;

920 2. ~~(b)~~ The conduct or activity that resulted in the death or
921 injury of a person was not part of an official organizational
922 event or was not otherwise sanctioned or approved by the
923 organization; or

924 3. ~~(e)~~ The conduct or activity that resulted in death or
925 injury of the person was not done as a condition of membership
926 to an organization.

927 (4) ~~(6)~~ CONSTRUCTION.—This section shall not be construed to
928 preclude prosecution for a more general offense resulting from

2014850er

929 the same criminal transaction or episode.

930 Section 10. Section 1007.273, Florida Statutes, is created
931 to read:

932 1007.273 Collegiate high school program.-

933 (1) Each Florida College System institution shall work with
934 each district school board in its designated service area to
935 establish one or more collegiate high school programs.

936 (2) At a minimum, collegiate high school programs must
937 include an option for public school students in grade 11 or
938 grade 12 participating in the program, for at least 1 full
939 school year, to earn CAPE industry certifications pursuant to s.
940 1008.44 and to successfully complete 30 credit hours through the
941 dual enrollment program under s. 1007.271 toward the first year
942 of college for an associate degree or baccalaureate degree while
943 enrolled in the program.

944 (3) Each district school board and its local Florida
945 College System institution shall execute a contract to establish
946 one or more collegiate high school programs at a mutually agreed
947 upon location or locations. Beginning with the 2015-2016 school
948 year, if the institution does not establish a program with a
949 district school board in its designated service area, another
950 Florida College System institution may execute a contract with
951 that district school board to establish the program. The
952 contract must be executed by January 1 of each school year for
953 implementation of the program during the next school year. The
954 contract must:

955 (a) Identify the grade levels to be included in the
956 collegiate high school program which must, at a minimum, include
957 grade 12.

2014850er

958 (b) Describe the collegiate high school program, including
959 the delineation of courses and industry certifications offered,
960 including online course availability; the high school and
961 college credits earned for each postsecondary course completed
962 and industry certification earned; student eligibility criteria;
963 and the enrollment process and relevant deadlines.

964 (c) Describe the methods, medium, and process by which
965 students and their parents are annually informed about the
966 availability of the collegiate high school program, the return
967 on investment associated with participation in the program, and
968 the information described in paragraphs (a) and (b).

969 (d) Identify the delivery methods for instruction and the
970 instructors for all courses.

971 (e) Identify student advising services and progress
972 monitoring mechanisms.

973 (f) Establish a program review and reporting mechanism
974 regarding student performance outcomes.

975 (g) Describe the terms of funding arrangements to implement
976 the collegiate high school program.

977 (4) Each student participating in a collegiate high school
978 program must enter into a student performance contract which
979 must be signed by the student, the parent, and a representative
980 of the school district and the applicable Florida College System
981 institution, state university, or other institution
982 participating pursuant to subsection (5). The performance
983 contract must include the schedule of courses, by semester, and
984 industry certifications to be taken by the student, student
985 attendance requirements, and course grade requirements.

986 (5) In addition to executing a contract with the local

2014850er

987 Florida College System institution under this section, a
988 district school board may execute a contract to establish a
989 collegiate high school program with a state university or an
990 institution that is eligible to participate in the William L.
991 Boyd, IV, Florida Resident Access Grant Program, that is a
992 nonprofit independent college or university located and
993 chartered in this state, and that is accredited by the
994 Commission on Colleges of the Southern Association of Colleges
995 and Schools to grant baccalaureate degrees. Such university or
996 institution must meet the requirements specified under
997 subsections (3) and (4).

998 (6) The collegiate high school program shall be funded
999 pursuant to ss. 1007.271 and 1011.62. The State Board of
1000 Education shall enforce compliance with this section by
1001 withholding the transfer of funds for the school districts and
1002 the Florida College System institutions in accordance with s.
1003 1008.32.

1004 Section 11. Subsection (5) of section 1008.345, Florida
1005 Statutes, is amended to read:

1006 1008.345 Implementation of state system of school
1007 improvement and education accountability.—

1008 (5) The commissioner shall report to the Legislature and
1009 recommend changes in state policy necessary to foster school
1010 improvement and education accountability. Included in the report
1011 shall be a list of the schools, including schools operating for
1012 the purpose of providing educational services to youth in
1013 Department of Juvenile Justice programs, for which district
1014 school boards have developed intervention and support strategies
1015 and an analysis of the various strategies used by the school

2014850er

1016 boards. School reports shall be distributed pursuant to this
1017 subsection and s. 1001.42(18)(c) ~~1001.42(18)(b)~~ and according to
1018 rules adopted by the State Board of Education.

1019 Section 12. Section 1008.44, Florida Statutes, is amended
1020 to read:

1021 1008.44 ~~Industry certifications;~~ CAPE Industry
1022 Certification Funding List and CAPE Postsecondary Industry
1023 Certification Funding List.—

1024 (1) Pursuant to ss. 1003.4203 and s. 1003.492, the
1025 Department of Education shall, at least annually, identify,
1026 under rules adopted by the State Board of Education, and the
1027 ~~Industry Certification Funding List that must be applied in the~~
1028 ~~distribution of funding to school districts pursuant to s.~~
1029 ~~1011.62.~~ the Commissioner of Education may at any time recommend
1030 adding the following certificates, certifications, and courses:-

1031 (a) CAPE industry certifications identified on the CAPE
1032 Industry Certification Funding List that must be applied in the
1033 distribution of funding to school districts pursuant to s.
1034 1011.62(1)(o). The CAPE Industry Certification Funding List
1035 shall incorporate by reference the industry certifications on
1036 the career pathways list approved for the Florida Gold Seal
1037 Vocational Scholars award. In addition, by August 1 of each
1038 year, the not-for-profit corporation established pursuant to s.
1039 445.004 may annually select one industry certification, that
1040 does not articulate for college credit, for inclusion on the
1041 CAPE Industry Certification Funding List for a period of 3 years
1042 unless otherwise approved by the curriculum review committee
1043 pursuant to s. 1003.491. Such industry certifications, if earned
1044 by a student, shall be eligible for additional full-time

2014850er

1045 equivalent membership, pursuant to s. 1011.62(1)(o)1.

1046 (b) No more than 15 CAPE Digital Tool certificates limited
1047 to the areas of word processing; spreadsheets; sound, motion,
1048 and color presentations; digital arts; cybersecurity; and coding
1049 pursuant to s. 1003.4203(3) that do not articulate for college
1050 credit. Such certificates shall be annually identified on the
1051 CAPE Industry Certification Funding List and updated solely by
1052 the Chancellor of Career and Adult Education. The certificates
1053 shall be made available to students in elementary school and
1054 middle school grades and, if earned by a student, shall be
1055 eligible for additional full-time equivalent membership pursuant
1056 to s. 1011.62(1)(o)1.

1057 (c) CAPE ESE Digital Tool certificates, workplace industry
1058 certifications, and OSHA industry certifications identified by
1059 the Chancellor of Career and Adult Education for students with
1060 disabilities pursuant to s. 1003.4203(2). Such certificates and
1061 certifications shall be identified on the CAPE Industry
1062 Certification Funding List and, if earned by a student, be
1063 eligible for additional full-time equivalent membership pursuant
1064 to s. 1011.62(1)(o)1.

1065 (d) CAPE Innovation Courses that combine academic and
1066 career performance outcomes with embedded industry
1067 certifications shall be annually approved by the Commissioner of
1068 Education and identified pursuant to s. 1003.4203(5)(a) and, if
1069 completed by a student, be eligible for additional full-time
1070 equivalent membership pursuant to s. 1011.62(1)(o)1.

1071 (e) CAPE Acceleration Industry Certifications that
1072 articulate for 15 or more college credit hours pursuant to s.
1073 1003.4203(5)(b) shall be annually approved by the Commissioner

2014850er

1074 of Education and, if successfully completed, shall be eligible
1075 for additional full-time equivalent membership pursuant to s.
1076 1011.62(1)(o)1. The approved industry certifications must be
1077 identified on the CAPE Industry Certification Funding List.

1078 (2) The State Board of Education shall approve, at least
1079 annually, the CAPE Postsecondary Industry Certification Funding
1080 List pursuant to this section. The Commissioner of Education
1081 shall recommend, at least annually, the CAPE Postsecondary
1082 Industry Certification Funding List to the State Board of
1083 Education and may at any time recommend adding certifications.
1084 The Chancellor of the State University System, the Chancellor of
1085 the Florida College System, and the Chancellor of Career and
1086 Adult Education shall work with local workforce boards, other
1087 postsecondary institutions, businesses, and industry to
1088 identify, create, and recommend to the Commissioner of Education
1089 industry certifications to be placed on the funding list. The
1090 list shall be used to determine annual performance funding
1091 distributions to school districts or Florida College System
1092 institutions as specified in ss. 1011.80 and 1011.81,
1093 respectively. The chancellors shall review results of the
1094 economic security report of employment and earning outcomes
1095 produced annually pursuant to s. 445.07 ~~s. 445.007~~ when
1096 determining recommended certifications for the list, as well as
1097 other reports and indicators available regarding certification
1098 needs.

1099 (3) In the case of rigorous industry certifications that
1100 have embedded prerequisite minimum age, grade level, diploma or
1101 degree, postgraduation period of work experience of at least 12
1102 months, or other reasonable requirements that may limit the

2014850er

1103 extent to which a student can complete all requirements of the
1104 certification recognized by industry for employment purposes,
1105 the Commissioner of Education shall differentiate content,
1106 instructional, and assessment requirements that, when provided
1107 by a public institution and satisfactorily attained by a
1108 student, indicate accomplishment of requirements necessary for
1109 funding pursuant to ss. 1011.62, 1011.80, and 1011.81,
1110 notwithstanding attainment of prerequisite requirements
1111 necessary for recognition by industry for employment purposes.
1112 The differentiated requirements established by the Commissioner
1113 of Education shall be included on ~~in~~ the CAPE Industry
1114 Certification Funding List at the time the certification is
1115 adopted.

1116 (4) (a) CAPE industry certifications and CAPE Digital Tool
1117 certificates placed on the CAPE Industry Certification Funding
1118 List must include the version of the certifications and
1119 certificates available at the time of the adoption and, without
1120 further review and approval, include the subsequent updates to
1121 the certifications and certificates on the approved list, unless
1122 the certifications and certificates are specifically removed
1123 from the CAPE Industry Certification Funding List by the
1124 Commissioner of Education.

1125 (b) The Commissioner of Education may limit CAPE industry
1126 certifications and CAPE Digital Tool certificates to students in
1127 certain grades based on formal recommendations by providers of
1128 CAPE industry certifications and CAPE Digital Tool certificates.

1129 (c) The Articulation Coordinating Committee shall review
1130 statewide articulation agreement proposals for industry
1131 certifications and make recommendations to the State Board of

2014850er

1132 Education for approval. After an industry certification is
1133 adopted by the State Board of Education for inclusion on the
1134 Industry Certification Funding List, the Chancellor of Career
1135 and Adult Education, within 90 days, must provide to the
1136 Articulation Coordinating Committee recommendations for
1137 articulation of postsecondary credit for related degrees for the
1138 approved certifications.

1139 Section 13. Paragraphs (o), (p), and (s) of subsection (1)
1140 of section 1011.62, Florida Statutes, are amended to read:

1141 1011.62 Funds for operation of schools.—If the annual
1142 allocation from the Florida Education Finance Program to each
1143 district for operation of schools is not determined in the
1144 annual appropriations act or the substantive bill implementing
1145 the annual appropriations act, it shall be determined as
1146 follows:

1147 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1148 OPERATION.—The following procedure shall be followed in
1149 determining the annual allocation to each district for
1150 operation:

1151 (o) *Calculation of additional full-time equivalent*
1152 *membership based on successful completion of a career-themed*
1153 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
1154 *courses with embedded CAPE industry certifications or CAPE*
1155 *Digital Tool certificates, and issuance of industry*
1156 *certification identified on ~~in~~ the CAPE Industry Certification*
1157 *Funding List pursuant to rules adopted by the State Board of*
1158 *Education or CAPE Digital Tool certificates pursuant to s.*
1159 *1003.4203.*—

1160 1.a. A value of 0.025 full-time equivalent student

2014850er

1161 membership shall be calculated for CAPE Digital Tool
1162 certificates earned by students in elementary and middle school
1163 grades.

1164 ~~b.1.~~ A value of 0.1 or 0.2 full-time equivalent student
1165 membership shall be calculated for each student who completes a
1166 ~~career-themed~~ course as defined in s. 1003.493(1) (b) or courses
1167 with embedded CAPE industry certifications and who is issued an
1168 industry certification identified annually on ~~in~~ the CAPE
1169 Industry Certification Funding List approved under rules adopted
1170 by the State Board of Education. ~~The maximum full-time~~
1171 ~~equivalent student membership value for any student in grades 9~~
1172 ~~through 12 is 0.3.~~ A value of 0.2 full-time equivalent
1173 membership shall be calculated for each student who is issued a
1174 CAPE ~~an~~ industry certification that has a statewide articulation
1175 agreement for college credit approved by the State Board of
1176 Education. For CAPE industry certifications that do not
1177 articulate for college credit, the Department of Education shall
1178 assign a full-time equivalent value of 0.1 for each
1179 certification. Middle grades students who earn additional FTE
1180 membership for a CAPE Digital Tool certificate pursuant to sub-
1181 subparagraph a. may not use the previously funded examination to
1182 satisfy the requirements for earning an industry certification
1183 under this sub-subparagraph. Additional FTE membership for an
1184 elementary or middle grades student shall not exceed 0.1 for
1185 certificates or certifications earned within the same fiscal
1186 year. The State Board of Education shall include the assigned
1187 values on ~~in~~ the CAPE Industry Certification Funding List under
1188 rules adopted by the state board. Such value shall be added to
1189 the total full-time equivalent student membership ~~in secondary~~

2014850er

1190 ~~career education programs~~ for grades ~~6~~ 9 through 12 in the
1191 subsequent year for courses that were not provided through dual
1192 enrollment. CAPE industry certifications earned through dual
1193 enrollment must be reported and funded pursuant to s. 1011.80
1194 ~~ss. 1011.80 and 1011.81.~~

1195 c. A value of 0.3 full-time equivalent student membership
1196 shall be calculated for student completion of the courses and
1197 the embedded certifications identified on the CAPE Industry
1198 Certification Funding List and approved by the commissioner
1199 pursuant to s. 1003.4203(5)(a) and s. 1008.44.

1200 d. A value of 0.5 full-time equivalent student membership
1201 shall be calculated for CAPE Acceleration Industry
1202 Certifications that articulate for 15 to 29 college credit
1203 hours, and 1.0 full-time equivalent student membership shall be
1204 calculated for CAPE Acceleration Industry Certifications that
1205 articulate for 30 or more college credit hours pursuant to CAPE
1206 Acceleration Industry Certifications approved by the
1207 commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

1208 2. Each district must allocate at least 80 percent of the
1209 funds provided for CAPE industry certification, in accordance
1210 with this paragraph, to the program that generated the funds.
1211 This allocation may not be used to supplant funds provided for
1212 basic operation of the program. ~~Unless a different amount is~~
1213 ~~specified in the General Appropriations Act, the appropriation~~
1214 ~~for this calculation is limited to \$60 million annually. If the~~
1215 ~~appropriation is insufficient to fully fund the total~~
1216 ~~calculation, the appropriation shall be prorated.~~

1217 3. For CAPE industry certifications earned in the 2013-2014
1218 school year and in subsequent years, the school district shall

2014850er

1219 distribute to each classroom teacher who provided direct
1220 instruction toward the attainment of a CAPE ~~an~~ industry
1221 certification that qualified for additional full-time equivalent
1222 membership under subparagraph 1.:

1223 a. A bonus in the amount of \$25 for each student taught by
1224 a teacher who provided instruction in a course that led to the
1225 attainment of a CAPE ~~an~~ industry certification on the CAPE
1226 Industry Certification Funding List with a weight of 0.1.

1227 b. A bonus in the amount of \$50 for each student taught by
1228 a teacher who provided instruction in a course that led to the
1229 attainment of a CAPE ~~an~~ industry certification on the CAPE
1230 Industry Certification Funding List with a weight of 0.2, 0.3,
1231 0.5, and 1.0.

1232 ~~4. For the 2013-2014 fiscal year, the additional FTE~~
1233 ~~membership calculation must include the additional FTE for any~~
1234 ~~student who earned a certification in the 2009-2010, 2010-2011,~~
1235 ~~and 2011-2012 fiscal years who was not previously funded and was~~
1236 ~~enrolled in 2012-2013.~~

1237
1238 Bonuses awarded pursuant to this paragraph shall be provided to
1239 teachers who are employed by the district in the year in which
1240 the additional FTE membership calculation is included in the
1241 calculation. Bonuses shall be calculated based upon the
1242 associated weight of a CAPE ~~an~~ industry certification on the
1243 CAPE Industry Certification Funding List for the year in which
1244 the certification is earned by the student. Any bonus awarded to
1245 a teacher under this paragraph may not exceed \$2,000 in any
1246 given school year and is in addition to any regular wage or
1247 other bonus the teacher received or is scheduled to receive.

2014850er

1248 (p) Calculation of additional full-time equivalent
1249 membership based upon early high school graduation.—
1250 ~~Notwithstanding s. 1011.61(4), Each unpaid high school credit~~
1251 ~~delivered by a school district may receive funding for each~~
1252 ~~during the student's prior enrollment may be reported by the~~
1253 ~~district as 1/6 FTE when the student who graduates early~~
1254 ~~pursuant to s. 1003.4281. A district may earn 0.25 additional~~
1255 ~~report up to 1/2 FTE for unpaid credits delivered by the~~
1256 ~~district for a student who graduates one semester in advance of~~
1257 ~~the student's cohort and 0.5 additional and up to 1 FTE for a~~
1258 ~~student who graduates 1 year or more in advance of the student's~~
1259 ~~cohort. If the student was enrolled in the district as a full-~~
1260 ~~time high school student for at least 2 years, the district~~
1261 ~~shall report the additional unpaid FTE for payment in the~~
1262 ~~subsequent fiscal year delivered by the district during the~~
1263 ~~student's prior enrollment. If the student was enrolled in the~~
1264 ~~district for less than 2 years, the district of enrollment shall~~
1265 ~~report the additional unpaid FTE delivered by the district and~~
1266 ~~by the district in which the student was previously enrolled.~~
1267 ~~The district of enrollment for which early graduation is claimed~~
1268 ~~shall transfer a proportionate share of the funds earned for~~
1269 ~~early graduation the unpaid FTE to the district in which the~~
1270 ~~student was previously enrolled. Additional FTE included in the~~
1271 ~~2014-2015 Florida Education Finance Program for early graduation~~
1272 ~~shall be reported and funded pursuant to this paragraph.~~

1273 ~~(s) Florida Cyber Security Recognition, Florida Digital~~
1274 ~~Arts Recognition, and Florida Digital Tools Certificate~~
1275 ~~established pursuant to s. 1003.4203.—~~

1276 ~~1. Each school district shall certify by June 30 of each~~

2014850er

1277 ~~year to the Department of Education each elementary school that~~
1278 ~~achieves 50 percent of student attainment of the Florida Cyber~~
1279 ~~Security Recognition or the Florida Digital Arts Recognition~~
1280 ~~established pursuant to s. 1003.4203. Upon verification by the~~
1281 ~~department, each school that has achieved the designated student~~
1282 ~~recognitions shall be awarded a Florida Digital Learning~~
1283 ~~Certificate of Achievement by the Commissioner of Education.~~

1284 ~~2. Each middle school shall receive \$50 for each student~~
1285 ~~who earns the Florida Digital Tools Certificate established~~
1286 ~~pursuant to s. 1003.4203 with a minimum awarded per school of~~
1287 ~~\$1,000 annually and a maximum award per school of \$15,000~~
1288 ~~annually. This performance payment shall be calculated in the~~
1289 ~~FEFP as a full-time equivalent student.~~

1290 Section 14. Paragraph (d) is added to subsection (3) of
1291 section 1012.98, Florida Statutes, and subsections (4) and (7)
1292 of that section are amended, to read:

1293 1012.98 School Community Professional Development Act.—

1294 (3) The activities designed to implement this section must:

1295 (d) Provide middle grades instructional personnel and
1296 school administrators with the knowledge, skills, and best
1297 practices necessary to support excellence in classroom
1298 instruction and educational leadership.

1299 (4) The Department of Education, school districts, schools,
1300 Florida College System institutions, and state universities
1301 share the responsibilities described in this section. These
1302 responsibilities include the following:

1303 (a)1. The department shall disseminate to the school
1304 community research-based professional development methods and
1305 programs that have demonstrated success in meeting identified

2014850er

1306 student needs. The Commissioner of Education shall use data on
1307 student achievement to identify student needs. The methods of
1308 dissemination must include a web-based statewide performance
1309 support system, including a database of exemplary professional
1310 development activities, a listing of available professional
1311 development resources, training programs, and available
1312 assistance.

1313 2. The web-based statewide performance support system
1314 established pursuant to subparagraph 1. must include for middle
1315 grades, subject to appropriation, materials related to classroom
1316 instruction, including integrated digital instruction and
1317 competency-based instruction; CAPE Digital Tool certificates and
1318 CAPE industry certifications; classroom management; student
1319 behavior and interaction; extended learning opportunities for
1320 students; and instructional leadership.

1321 (b) Each school district shall develop a professional
1322 development system as specified in subsection (3). The system
1323 shall be developed in consultation with teachers, teacher-
1324 educators of Florida College System institutions and state
1325 universities, business and community representatives, and local
1326 education foundations, consortia, and professional
1327 organizations. The professional development system must:

1328 1. Be approved by the department. All substantial revisions
1329 to the system shall be submitted to the department for review
1330 for continued approval.

1331 2. Be based on analyses of student achievement data and
1332 instructional strategies and methods that support rigorous,
1333 relevant, and challenging curricula for all students. Schools
1334 and districts, in developing and refining the professional

2014850er

1335 development system, shall also review and monitor school
1336 discipline data; school environment surveys; assessments of
1337 parental satisfaction; performance appraisal data of teachers,
1338 managers, and administrative personnel; and other performance
1339 indicators to identify school and student needs that can be met
1340 by improved professional performance.

1341 3. Provide inservice activities coupled with followup
1342 support appropriate to accomplish district-level and school-
1343 level improvement goals and standards. The inservice activities
1344 for instructional personnel shall focus on analysis of student
1345 achievement data, ongoing formal and informal assessments of
1346 student achievement, identification and use of enhanced and
1347 differentiated instructional strategies that emphasize rigor,
1348 relevance, and reading in the content areas, enhancement of
1349 subject content expertise, integrated use of classroom
1350 technology that enhances teaching and learning, classroom
1351 management, parent involvement, and school safety.

1352 4. Include a master plan for inservice activities, pursuant
1353 to rules of the State Board of Education, for all district
1354 employees from all fund sources. The master plan shall be
1355 updated annually by September 1, must be based on input from
1356 teachers and district and school instructional leaders, and must
1357 use the latest available student achievement data and research
1358 to enhance rigor and relevance in the classroom. Each district
1359 inservice plan must be aligned to and support the school-based
1360 inservice plans and school improvement plans pursuant to s.
1361 1001.42(18). Each district inservice plan must provide a
1362 description of the training that middle grades instructional
1363 personnel and school administrators receive on the district's

2014850er

1364 code of student conduct adopted pursuant to s. 1006.07;
1365 integrated digital instruction and competency-based instruction
1366 and CAPE Digital Tool certificates and CAPE industry
1367 certifications; classroom management; student behavior and
1368 interaction; extended learning opportunities for students; and
1369 instructional leadership. District plans must be approved by the
1370 district school board annually in order to ensure compliance
1371 with subsection (1) and to allow for dissemination of research-
1372 based best practices to other districts. District school boards
1373 must submit verification of their approval to the Commissioner
1374 of Education no later than October 1, annually. Each school
1375 principal may establish and maintain an individual professional
1376 development plan for each instructional employee assigned to the
1377 school as a seamless component to the school improvement plans
1378 developed pursuant to s. 1001.42(18). An individual professional
1379 development plan must be related to specific performance data
1380 for the students to whom the teacher is assigned, define the
1381 inservice objectives and specific measurable improvements
1382 expected in student performance as a result of the inservice
1383 activity, and include an evaluation component that determines
1384 the effectiveness of the professional development plan.

1385 5. Include inservice activities for school administrative
1386 personnel that address updated skills necessary for
1387 instructional leadership and effective school management
1388 pursuant to s. 1012.986.

1389 6. Provide for systematic consultation with regional and
1390 state personnel designated to provide technical assistance and
1391 evaluation of local professional development programs.

1392 7. Provide for delivery of professional development by

2014850er

1393 distance learning and other technology-based delivery systems to
1394 reach more educators at lower costs.

1395 8. Provide for the continuous evaluation of the quality and
1396 effectiveness of professional development programs in order to
1397 eliminate ineffective programs and strategies and to expand
1398 effective ones. Evaluations must consider the impact of such
1399 activities on the performance of participating educators and
1400 their students' achievement and behavior.

1401 9. For middle grades, emphasize:

1402 a. Interdisciplinary planning, collaboration, and
1403 instruction.

1404 b. Alignment of curriculum and instructional materials to
1405 the state academic standards adopted pursuant to s. 1003.41.

1406 c. Use of small learning communities; problem-solving,
1407 inquiry-driven research and analytical approaches for students;
1408 strategies and tools based on student needs; competency-based
1409 instruction; integrated digital instruction; and project-based
1410 instruction.

1411
1412 Each school that includes any of grades 6, 7, or 8 must include
1413 in its school improvement plan, required under s. 1001.42(18), a
1414 description of the specific strategies used by the school to
1415 implement each item listed in this subparagraph.

1416 (7) (a) The Department of Education shall disseminate, using
1417 web-based technology, research-based best practice methods by
1418 which the state and district school boards may evaluate and
1419 improve the professional development system. The best practices
1420 must include data that indicate the progress of all students.

1421 The department shall report annually to the State Board of

2014850er

1422 Education and the Legislature any school district that, in the
1423 determination of the department, has failed to provide an
1424 adequate professional development system. This report must
1425 include the results of the department's investigation and of any
1426 intervention provided.

1427 (b) The department shall also disseminate, using web-based
1428 technology, professional development in the use of integrated
1429 digital instruction at schools that include middle grades. The
1430 professional development must provide training and materials
1431 that districts can use to provide instructional personnel with
1432 the necessary knowledge, skills, and strategies to effectively
1433 blend digital instruction into subject-matter curricula. The
1434 professional development must emphasize online learning and
1435 research techniques, reading instruction, the use of digital
1436 devices to supplement the delivery of curricular content to
1437 students, and digital device management and security. Districts
1438 are encouraged to incorporate the professional development as
1439 part of their professional development system.

1440 Section 15. Paragraph (k) is added to subsection (2) and
1441 paragraph (y) is added to subsection (3) of section 11.45,
1442 Florida Statutes, and subsection (8) of that section is amended,
1443 to read:

1444 11.45 Definitions; duties; authorities; reports; rules.—

1445 (2) DUTIES.—The Auditor General shall:

1446 (k) Annually conduct operational audits of the accounts and
1447 records of eligible nonprofit scholarship-funding organizations
1448 receiving eligible contributions under s. 1002.395, including
1449 any contracts for services with related entities, to determine
1450 compliance with the provisions of that section. Such audits

2014850er

1451 shall include, but not be limited to, a determination of the
1452 eligible nonprofit scholarship-funding organization's compliance
1453 with s. 1002.395(6)(j). The Auditor General shall provide its
1454 report on the results of the audits to the Governor, the
1455 President of the Senate, the Speaker of the House of
1456 Representatives, the Chief Financial Officer, and the
1457 Legislative Auditing Committee, within 30 days of completion of
1458 the audit.

1459

1460 The Auditor General shall perform his or her duties
1461 independently but under the general policies established by the
1462 Legislative Auditing Committee. This subsection does not limit
1463 the Auditor General's discretionary authority to conduct other
1464 audits or engagements of governmental entities as authorized in
1465 subsection (3).

1466 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
1467 General may, pursuant to his or her own authority, or at the
1468 direction of the Legislative Auditing Committee, conduct audits
1469 or other engagements as determined appropriate by the Auditor
1470 General of:

1471 (y) The accounts and records of a nonprofit scholarship-
1472 funding organization participating in a state sponsored
1473 scholarship program authorized by chapter 1002.

1474 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in
1475 consultation with the Board of Accountancy, shall adopt rules
1476 for the form and conduct of all financial audits performed by
1477 independent certified public accountants pursuant to ss.
1478 215.981, 218.39, 1001.453, 1002.395, 1004.28, and 1004.70. The
1479 rules for audits of local governmental entities, charter

2014850er

1480 schools, charter technical career centers, and district school
1481 boards must include, but are not limited to, requirements for
1482 the reporting of information necessary to carry out the purposes
1483 of the Local Governmental Entity, Charter School, Charter
1484 Technical Career Center, and District School Board Financial
1485 Emergencies Act as stated in s. 218.501.

1486 Section 16. Section 1002.385, Florida Statutes, is created
1487 to read:

1488 1002.385 Florida personal learning scholarship accounts.—

1489 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning
1490 Scholarship Accounts Program is established to provide the
1491 option for a parent to better meet the individual educational
1492 needs of his or her eligible child.

1493 (2) DEFINITIONS.—As used in this section, the term:

1494 (a) "Approved provider" means a provider approved by the
1495 Agency for Persons with Disabilities, a health care practitioner
1496 as defined in s. 456.001(4), or a provider approved by the
1497 department pursuant to s. 1002.66.

1498 (b) "Curriculum" means a complete course of study for a
1499 particular content area or grade level, including any required
1500 supplemental materials.

1501 (c) "Department" means the Department of Education.

1502 (d) "Disability" means, for a student in kindergarten to
1503 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,
1504 as defined in s. 393.063(4); Down syndrome, as defined in s.
1505 393.063(13); an intellectual disability, as defined in s.
1506 393.063(21); Prader-Willi syndrome, as defined in s.
1507 393.063(25); or Spina bifida, as defined in s. 393.063(36); for
1508 a student in kindergarten, being a high-risk child, as defined

2014850er

1509 in s. 393.063(20) (a); and Williams syndrome.

1510 (e) "Eligible nonprofit scholarship-funding organization"
1511 or "organization" has the same meaning as in s. 1002.395.

1512 (f) "Eligible postsecondary educational institution" means
1513 a Florida College System institution, a state university, a
1514 school district technical center, a school district adult
1515 general education center, or an accredited nonpublic
1516 postsecondary educational institution, as defined in s. 1005.02,
1517 which is licensed to operate in the state pursuant to
1518 requirements specified in part III of chapter 1005.

1519 (g) "Eligible private school" means a private school, as
1520 defined in s. 1002.01, which is located in this state, which
1521 offers an education to students in any grade from kindergarten
1522 to grade 12, and which meets requirements of:

1523 1. Sections 1002.42 and 1002.421; and

1524 2. A scholarship program under s. 1002.39 or s. 1002.395,
1525 as applicable, if the private school participates in a
1526 scholarship program under s. 1002.39 or s. 1002.395.

1527 (h) "IEP" means individual education plan.

1528 (i) "Parent" means a resident of this state who is a
1529 parent, as defined in s. 1000.21.

1530 (j) "Program" means the Florida Personal Learning
1531 Scholarship Accounts Program established in this section.

1532 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
1533 disability may request and receive from the state a Florida
1534 personal learning scholarship account for the purposes specified
1535 in subsection (5) if:

1536 (a) The student:

1537 1. Is a resident of this state;

2014850er

1538 2. Is eligible to enroll in kindergarten through grade 12
1539 in a public school in this state;

1540 3. Has a disability as defined in paragraph (2) (d); and

1541 4. Is the subject of an IEP written in accordance with
1542 rules of the State Board of Education or has received a
1543 diagnosis of a disability as defined in subsection (2) from a
1544 physician who is licensed under chapter 458 or chapter 459 or a
1545 psychologist who is licensed in this state.

1546 (b) Beginning January, 2015, the parent has applied to an
1547 eligible nonprofit scholarship-funding organization to
1548 participate in the program by February 1 before the school year
1549 in which the student will participate or an alternative date as
1550 set by the organization for any vacant, funded slots. The
1551 request must be communicated directly to the organization in a
1552 manner that creates a written or electronic record of the
1553 request and the date of receipt of the request. The organization
1554 shall notify the district and the department of the parent's
1555 intent upon receipt of the parent's request.

1556 (4) PROGRAM PROHIBITIONS.—

1557 (a) A student is not eligible for the program while he or
1558 she is:

1559 1. Enrolled in a public school, including, but not limited
1560 to, the Florida School for the Deaf and the Blind, the Florida
1561 Virtual School, the College-Preparatory Boarding Academy, a
1562 developmental research school authorized under s. 1002.32, a
1563 charter school authorized under s. 1002.33, s. 1002.331, or s.
1564 1002.332, or a virtual education program authorized under s.
1565 1002.45;

1566 2. Enrolled in a school operating for the purpose of

2014850er

1567 providing educational services to youth in the Department of
1568 Juvenile Justice commitment programs;

1569 3. Receiving a scholarship pursuant to the Florida Tax
1570 Credit Scholarship Program under s. 1002.395 or the John M.
1571 McKay Scholarships for Students with Disabilities Program under
1572 s. 1002.39; or

1573 4. Receiving any other educational scholarship pursuant to
1574 this chapter.

1575 (b) A student is not eligible for the program if:

1576 1. The student or student's parent has accepted any
1577 payment, refund, or rebate, in any manner, from a provider of
1578 any services received pursuant to subsection (5);

1579 2. The student's participation in the program has been
1580 denied or revoked by the Commissioner of Education pursuant to
1581 subsection (10); or

1582 3. The student's parent has forfeited participation in the
1583 program for failure to comply with requirements pursuant to
1584 subsection (11).

1585 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
1586 spent for the following purposes:

1587 (a) Instructional materials, including digital devices,
1588 digital periphery devices, and assistive technology devices that
1589 allow a student to access instruction or instructional content.

1590 (b) Curriculum as defined in paragraph (2) (b).

1591 (c) Specialized services by approved providers that are
1592 selected by the parent. These specialized services may include,
1593 but are not limited to:

1594 1. Applied behavior analysis services as provided in ss.
1595 627.6686 and 641.31098.

2014850er

1596 2. Services provided by speech-language pathologists as
1597 defined in s. 468.1125.

1598 3. Occupational therapy services as defined in s. 468.203.

1599 4. Services provided by physical therapists as defined in
1600 s. 486.021.

1601 5. Services provided by listening and spoken language
1602 specialists and an appropriate acoustical environment for a
1603 child who is deaf or hard of hearing and who has received an
1604 implant or assistive hearing device.

1605 (d) Enrollment in, or tuition or fees associated with
1606 enrollment in, an eligible private school, an eligible
1607 postsecondary educational institution, a private tutoring
1608 program authorized under s. 1002.43, a virtual program offered
1609 by a department-approved private online provider that meets the
1610 provider qualifications specified in s. 1002.45(2)(a), the
1611 Florida Virtual School as a private paying student, or an
1612 approved online course offered pursuant to s. 1003.499 or s.
1613 1004.0961.

1614 (e) Fees for nationally standardized, norm-referenced
1615 achievement tests, Advanced Placement Examinations, industry
1616 certification examinations, assessments related to postsecondary
1617 education, or other assessments.

1618 (f) Contributions to the Stanley G. Tate Florida Prepaid
1619 College Program pursuant to s. 1009.98, for the benefit of the
1620 eligible student.

1621 (g) Contracted services provided by a public school or
1622 school district, including classes. A student who receives
1623 services under a contract under this paragraph is not considered
1624 enrolled in a public school for eligibility purposes as

2014850er

1625 specified in subsection (4).

1626
1627 A specialized service provider, eligible private school,
1628 eligible postsecondary educational institution, private tutoring
1629 program provider, online or virtual program provider, public
1630 school, school district, or other entity receiving payments
1631 pursuant to this subsection may not share, refund, or rebate any
1632 moneys from the Florida Personal learning scholarship account
1633 with the parent or participating student in any manner.

1634 (6) TERM OF THE PROGRAM.—For purposes of continuity of
1635 educational choice, the program payments made under this section
1636 shall remain in force until a student participating in the
1637 program participates in any of the prohibited activities
1638 specified in subsection (4), has funds revoked by the
1639 Commissioner of Education pursuant to subsection (10), returns
1640 to a public school, graduates from high school, or attains 22
1641 years of age, whichever occurs first. A participating student
1642 who enrolls in a public school or public school program is
1643 considered to have returned to a public school for the purpose
1644 of determining the end of the program's term.

1645 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

1646 (a)1. For a student with a disability who does not have a
1647 matrix of services under s. 1011.62(1)(e) and for whom the
1648 parent requests a matrix of services, the school district must
1649 complete a matrix that assigns the student to one of the levels
1650 of service as they existed before the 2000-2001 school year.

1651 2.a. Within 10 school days after a school district receives
1652 notification of a parent's request for completion of a matrix of
1653 services, the school district must notify the student's parent

2014850er

1654 if the matrix of services has not been completed and inform the
1655 parent that the district is required to complete the matrix
1656 within 30 days after receiving notice of the parent's request
1657 for the matrix of services. This notice must include the
1658 required completion date for the matrix.

1659 b. The school district shall complete the matrix of
1660 services for a student whose parent has made a request. The
1661 school district must provide the student's parent with the
1662 student's matrix level within 10 school days after its
1663 completion.

1664 c. The department shall notify the parent and the eligible
1665 nonprofit scholarship-funding organization of the amount of the
1666 funds awarded within 10 days after receiving the school
1667 district's notification of the student's matrix level.

1668 d. A school district may change a matrix of services only
1669 if the change is to correct a technical, typographical, or
1670 calculation error.

1671 (b) For each student participating in the program who
1672 chooses to participate in statewide, standardized assessments
1673 under s. 1008.22 or the Florida Alternate Assessment, the school
1674 district in which the student resides must notify the student
1675 and his or her parent about the locations and times to take all
1676 statewide, standardized assessments.

1677 (c) For each student participating in the program, a school
1678 district shall notify the parent about the availability of a
1679 reevaluation at least every 3 years.

1680 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1681 private school may be sectarian or nonsectarian and shall:

1682 (a) Comply with all requirements for private schools

2014850er

1683 participating in state school choice scholarship programs
1684 pursuant to s. 1002.421.

1685 (b) Provide to the eligible nonprofit scholarship-funding
1686 organization, upon request, all documentation required for the
1687 student's participation, including the private school's and
1688 student's fee schedules.

1689 (c) Be academically accountable to the parent for meeting
1690 the educational needs of the student by:

1691 1. At a minimum, annually providing to the parent a written
1692 explanation of the student's progress.

1693 2. Annually administering or making provision for students
1694 participating in the program in grades 3 through 10 to take one
1695 of the nationally norm-referenced tests identified by the
1696 Department of Education or the statewide assessments pursuant to
1697 s. 1008.22. Students with disabilities for whom standardized
1698 testing is not appropriate are exempt from this requirement. A
1699 participating private school shall report a student's scores to
1700 the parent.

1701 3. Cooperating with the scholarship student whose parent
1702 chooses to have the student participate in the statewide
1703 assessments pursuant to s. 1008.22 or, if a private school
1704 chooses to offer the statewide assessments, administering the
1705 assessments at the school.

1706 a. A participating private school may choose to offer and
1707 administer the statewide assessments to all students who attend
1708 the private school in grades 3 through 10.

1709 b. A participating private school shall submit a request in
1710 writing to the Department of Education by March 1 of each year
1711 in order to administer the statewide assessments in the

2014850er

1712 subsequent school year.

1713 (d) Employ or contract with teachers who have regular and
1714 direct contact with each student receiving a scholarship under
1715 this section at the school's physical location.

1716 (e) Annually contract with an independent certified public
1717 accountant to perform the agreed-upon procedures developed under
1718 s. 1002.395(6) (n) and produce a report of the results if the
1719 private school receives more than \$250,000 in funds from
1720 scholarships awarded under this section in the 2014-2015 state
1721 fiscal year or a state fiscal year thereafter. A private school
1722 subject to this paragraph must submit the report by September
1723 15, 2015, and annually thereafter to the scholarship-funding
1724 organization that awarded the majority of the school's
1725 scholarship funds. The agreed-upon procedures must be conducted
1726 in accordance with attestation standards established by the
1727 American Institute of Certified Public Accountants.

1728
1729 The inability of a private school to meet the requirements of
1730 this subsection constitutes a basis for the ineligibility of the
1731 private school to participate in the program as determined by
1732 the department.

1733 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1734 shall:

1735 (a) Maintain a list of approved providers.

1736 (b) Require each eligible nonprofit scholarship-funding
1737 organization to verify eligible expenditures before the
1738 distribution of funds for any expenditures made pursuant to
1739 paragraphs (5) (a) and (b). Review of expenditures made for
1740 services in paragraphs (5) (c) through (g) may be completed after

2014850er

1741 the payment has been made.

1742 (c) Investigate any written complaint of a violation of
1743 this section in accordance with the process established by s.
1744 1002.395(9)(f).

1745 (d) Require quarterly reports by an eligible nonprofit
1746 scholarship-funding organization regarding the number of
1747 students participating in the program, the providers of services
1748 to students, and other information deemed necessary by the
1749 department.

1750 (e) Compare the list of student's participating in the
1751 program with the public school enrollment lists before each
1752 program payment to avoid duplicate payments.

1753 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

1754 (a) The Commissioner of Education:

1755 1. Shall deny, suspend, or revoke a student's participation
1756 in the program if the health, safety, or welfare of the student
1757 is threatened or fraud is suspected.

1758 2. Shall deny, suspend, or revoke an authorized use of
1759 program funds if the health, safety, or welfare of the student
1760 is threatened or fraud is suspected.

1761 3. May deny, suspend, or revoke an authorized use of
1762 program funds for material failure to comply with this section
1763 and applicable department rules if the noncompliance is
1764 correctable within a reasonable period of time. Otherwise, the
1765 commissioner shall deny, suspend, or revoke an authorized use
1766 for failure to materially comply with the law and rules adopted
1767 under this section.

1768 4. Shall require compliance by the appropriate party by a
1769 date certain for all nonmaterial failures to comply with this

2014850er

1770 section and applicable department rules. The commissioner may
1771 deny, suspend, or revoke program participation under this
1772 section thereafter.

1773 (b) In determining whether to deny, suspend, or revoke in
1774 accordance with this subsection, the commissioner may consider
1775 factors that include, but are not limited to, acts or omissions
1776 by a participating entity which led to a previous denial or
1777 revocation of participation in an education scholarship program;
1778 failure to reimburse the eligible nonprofit scholarship-funding
1779 organization for program funds improperly received or retained
1780 by the entity; imposition of a prior criminal sanction related
1781 to the entity or its officers or employees; imposition of a
1782 civil fine or administrative fine, license revocation or
1783 suspension, or program eligibility suspension, termination, or
1784 revocation related to an entity's management or operation; or
1785 other types of criminal proceedings in which the entity or its
1786 officers or employees were found guilty of, regardless of
1787 adjudication, or entered a plea of nolo contendere or guilty to,
1788 any offense involving fraud, deceit, dishonesty, or moral
1789 turpitude.

1790 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1791 PARTICIPATION.—A parent who applies for program participation
1792 under this section is exercising his or her parental option to
1793 determine the appropriate placement or the services that best
1794 meet the needs of his or her child. The scholarship award for a
1795 student is based on a matrix that assigns the student to support
1796 Level III services. If a parent chooses to request and receive
1797 an IEP and a matrix of services from the school district, the
1798 amount of the payment shall be adjusted as needed, when the

2014850er

1799 school district completes the matrix.

1800 (a) To enroll an eligible student in the program, the
1801 parent must sign an agreement with the eligible nonprofit
1802 scholarship-funding organization and annually submit a
1803 notarized, sworn compliance statement to the organization to:

1804 1. Affirm that the student is enrolled in a program that
1805 meets regular school attendance requirements as provided in s.
1806 1003.01(13)(b) through (d).

1807 2. Use the program funds only for authorized purposes, as
1808 described in subsection (5).

1809 3. Affirm that the student takes all appropriate
1810 standardized assessments as specified in this section.

1811 a. If the parent enrolls the child in an eligible private
1812 school, the student must take an assessment selected by the
1813 private school pursuant to s. 1002.395(7)(e).

1814 b. If the parent enrolls the child in a home education
1815 program, the parent may choose to participate in an assessment
1816 as part of the annual evaluation provided for in s.
1817 1002.41(1)(c).

1818 4. Notify the school district that the student is
1819 participating in the Personal Learning Scholarship Accounts if
1820 the parent chooses to enroll in a home education program as
1821 provided in s. 1002.41.

1822 5. Request participation in the program by the date
1823 established by the eligible nonprofit scholarship-funding
1824 organization.

1825 6. Affirm that the student remains in good standing with
1826 the provider or school if those options are selected by the
1827 parent.

2014850er

1828 7. Apply for admission of his or her child if the private
1829 school option is selected by the parent.

1830 8. Annually renew participation in the program.

1831 Notwithstanding any changes to the student's IEP, a student who
1832 was previously eligible for participation in the program shall
1833 remain eligible to apply for renewal as provided in subsection
1834 (6).

1835 9. Affirm that the parent will not transfer any college
1836 savings funds to another beneficiary.

1837 10. Affirm that the parent will not take possession of any
1838 funding provided by the state for the Florida Personal Learning
1839 Scholarship Accounts.

1840 11. Maintain a portfolio of records and materials which
1841 must be preserved by the parent for 2 years and be made
1842 available for inspection by the district school superintendent
1843 or the superintendent's designee upon 15 days' written notice.
1844 This paragraph does not require the superintendent to inspect
1845 the portfolio. The portfolio of records and materials must
1846 consist of:

1847 a. A log of educational instruction and services which is
1848 made contemporaneously with delivery of the instruction and
1849 services and which designates by title any reading materials
1850 used; and

1851 b. Samples of any writings, worksheets, workbooks, or
1852 creative materials used or developed by the student.

1853 (b) The parent is responsible for procuring the services
1854 necessary to educate the student. When the student receives a
1855 personal learning scholarship account, the district school board
1856 is not obligated to provide the student with a free appropriate

2014850er

1857 public education. For purposes of s. 1003.57 and the Individuals
1858 with Disabilities in Education Act, a participating student has
1859 only those rights that apply to all other unilaterally
1860 parentally placed students, except that, when requested by the
1861 parent, school district personnel must develop an individual
1862 education plan or matrix level of services.

1863 (c) The parent is responsible for the payment of all
1864 eligible expenses in excess of the amount of the personal
1865 learning scholarship account in accordance with the terms agreed
1866 to between the parent and the providers.

1867
1868 A parent who fails to comply with this subsection forfeits the
1869 personal learning scholarship account.

1870 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
1871 ACCOUNTS.—An eligible nonprofit scholarship-funding organization
1872 participating in the Florida Tax Credit Scholarship Program
1873 established under s. 1002.395 may establish personal learning
1874 scholarship accounts for eligible students by:

1875 (a) Receiving applications and determining student
1876 eligibility in accordance with the requirements of this section.
1877 The organization shall notify the department of the applicants
1878 for the program by March 1 before the school year in which the
1879 student intends to participate. When an application is received,
1880 the scholarship funding organization must provide the department
1881 with information on the student to enable the department to
1882 report the student for funding in accordance with subsection
1883 (13).

1884 (b) Notifying parents of their receipt of a scholarship on
1885 a first-come, first-served basis based upon the funds provided

2014850er

1886 for this program in the General Appropriations Act.

1887 (c) Establishing a date by which a parent must confirm
1888 initial or continuing participation in the program and confirm
1889 the establishment or continuance of a personal learning
1890 scholarship account.

1891 (d) Establishing a date and process by which students on
1892 the wait list or late-filing applicants may be allowed to
1893 participate in the program during the school year, within the
1894 amount of funds provided for this program in the General
1895 Appropriations Act.

1896 (e) Establishing and maintaining separate accounts for each
1897 eligible student.

1898 (f) Verifying qualifying expenditures pursuant to the
1899 requirements of paragraph (8)(b).

1900 (g) Returning any unused funds to the department when the
1901 student is no longer eligible for a personal scholarship
1902 learning account.

1903 (13) FUNDING AND PAYMENT.—

1904 (a)1. The maximum funding amount granted for an eligible
1905 student with a disability, pursuant to subsection (3), shall be
1906 equivalent to the base student allocation in the Florida
1907 Education Finance Program multiplied by the appropriate cost
1908 factor for the educational program which would have been
1909 provided for the student in the district school to which he or
1910 she would have been assigned, multiplied by the district cost
1911 differential.

1912 2. In addition, an amount equivalent to a share of the
1913 guaranteed allocation for exceptional students in the Florida
1914 Education Finance Program shall be determined and added to the

2014850er

1915 amount in subparagraph 1. The calculation shall be based on the
1916 methodology and the data used to calculate the guaranteed
1917 allocation for exceptional students for each district in chapter
1918 2000-166, Laws of Florida. Except as provided in subparagraph
1919 3., the calculation shall be based on the student's grade, the
1920 matrix level of services, and the difference between the 2000-
1921 2001 basic program and the appropriate level of services cost
1922 factor, multiplied by the 2000-2001 base student allocation and
1923 the 2000-2001 district cost differential for the sending
1924 district. The calculated amount must also include an amount
1925 equivalent to the per-student share of supplemental academic
1926 instruction funds, instructional materials funds, technology
1927 funds, and other categorical funds as provided in the General
1928 Appropriations Act.

1929 3. Except as otherwise provided, the calculation for all
1930 students participating in the program shall be based on the
1931 matrix that assigns the student to support level III of
1932 services. If a parent chooses to request and receive a matrix of
1933 services from the school district, when the school district
1934 completes the matrix, the amount of the payment shall be
1935 adjusted as needed.

1936 (b) The amount of the awarded funds shall be 90 percent of
1937 the calculated amount.

1938 (c) Upon an eligible student's graduation from an eligible
1939 postsecondary educational institution or after any period of 4
1940 consecutive years after high school graduation in which the
1941 student is not enrolled in an eligible postsecondary educational
1942 institution, the student's personal learning scholarship account
1943 shall be closed, and any remaining funds shall revert to the

2014850er

1944 state.

1945 (d) The eligible nonprofit scholarship-funding organization
1946 shall develop a system for payment of benefits by electronic
1947 funds transfer, including, but not limited to, debit cards,
1948 electronic payment cards, or any other means of electronic
1949 payment that the department deems to be commercially viable or
1950 cost-effective. Commodities or services related to the
1951 development of such a system shall be procured by competitive
1952 solicitation unless they are purchased from a state term
1953 contract pursuant to s. 287.056.

1954 (e) Moneys received pursuant to this section do not
1955 constitute taxable income to the parent of the qualified
1956 student.

1957 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

1958 (a) The Auditor General shall conduct an annual financial
1959 and operational audit of accounts and records of each eligible
1960 scholarship-funding organization that participates in the
1961 program. As part of this audit, the Auditor General shall
1962 verify, at a minimum, the total amount of students served and
1963 eligibility of reimbursements made by each eligible nonprofit
1964 scholarship-funding organization and transmit that information
1965 to the department.

1966 (b) The Auditor General shall notify the department of any
1967 eligible nonprofit scholarship-funding organization that fails
1968 to comply with a request for information.

1969 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1970 Department of Health, the Agency for Persons with Disabilities,
1971 and the Department of Education shall work with an eligible
1972 nonprofit scholarship-funding organization for easy or automated

2014850er

1973 access to lists of licensed providers of services specified in
1974 paragraph (5)(c) to ensure efficient administration of the
1975 program.

1976 (16) LIABILITY.—The state is not liable for the award or
1977 any use of awarded funds under this section.

1978 (17) SCOPE OF AUTHORITY.—This section does not expand the
1979 regulatory authority of this state, its officers, or any school
1980 district to impose additional regulation on participating
1981 private schools, nonpublic postsecondary educational
1982 institutions, and private providers beyond those reasonably
1983 necessary to enforce requirements expressly set forth in this
1984 section.

1985 (18) RULES.—The State Board of Education shall adopt rules
1986 pursuant to ss. 120.536(1) and 120.54 to administer this
1987 section.

1988 (19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL
1989 YEAR.—Notwithstanding the provisions of this section related to
1990 notification and eligibility timelines, an eligible nonprofit
1991 scholarship-funding organization may enroll parents on a rolling
1992 schedule on a first-come, first-served basis, within the amount
1993 of funds provided in the General Appropriations Act.

1994 Section 17. Paragraph (c) is added to subsection (1),
1995 paragraph (f) of subsection (2), subsection (3), subsection (5),
1996 subsection (6), paragraphs (c) and (e) of subsection (8),
1997 paragraphs (d), (j), and (o) of subsection (9), and paragraph
1998 (a) of subsection (12) of section 1002.395, Florida Statutes,
1999 are amended, present paragraphs (h) through (j) of subsection
2000 (2) are redesignated as paragraphs (i) through (k),
2001 respectively, and a new paragraph (h) is added to that

2014850er

2002 subsection, paragraph (g) is added to subsection (7), and
2003 subsection (16) is added to that section, to read:

2004 1002.395 Florida Tax Credit Scholarship Program.—

2005 (1) FINDINGS AND PURPOSE.—

2006 (c) The purpose of this section is not to prescribe the
2007 standards or curriculum for private schools. A private school
2008 retains the authority to determine its own standards and
2009 curriculum.

2010 (2) DEFINITIONS.—As used in this section, the term:

2011 (f) “Eligible nonprofit scholarship-funding organization”
2012 means a state university; or an independent college or
2013 university that is eligible to participate in the William L.
2014 Boyd, IV, Florida Resident Access Grant Program, located and
2015 chartered in this state, is not for profit, and is accredited by
2016 the Commission on Colleges of the Southern Association of
2017 Colleges and Schools; or is a charitable organization that:

2018 1. Is exempt from federal income tax pursuant to s.
2019 501(c)(3) of the Internal Revenue Code;

2020 2. Is a Florida entity formed under chapter 607, chapter
2021 608, or chapter 617 and whose principal office is located in the
2022 state; and

2023 3. Complies with subsections ~~the provisions of subsection~~
2024 ~~(6) and (16).~~

2025 (h) “Household income” has the same meaning as the term
2026 “income” is defined in the Income Eligibility Guidelines for
2027 free and reduced price meals under the National School Lunch
2028 Program in 7 C.F.R. part 210 as published in the Federal
2029 Register by the United States Department of Agriculture.

2030 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

2014850er

2031 (a) The Florida Tax Credit Scholarship Program is
2032 established.

2033 (b) For the 2014-2015 and 2015-2016 school years,
2034 contingent upon available funds, a student is eligible for a
2035 Florida tax credit scholarship under this section if the student
2036 meets one or more of the following criteria:

2037 1. The student qualifies for free or reduced-price school
2038 lunches under the National School Lunch Act or is on the direct
2039 certification list; ~~and:~~

2040 ~~a. Was counted as a full-time equivalent student during the~~
2041 ~~previous state fiscal year for purposes of state per-student~~
2042 ~~funding;~~

2043 ~~b. Received a scholarship from an eligible nonprofit~~
2044 ~~scholarship funding organization or from the State of Florida~~
2045 ~~during the previous school year; or~~

2046 ~~e. Is eligible to enter kindergarten through fifth grade.~~

2047 2. The student is currently placed, or during the previous
2048 state fiscal year was placed, in foster care or in out-of-home
2049 care as defined in s. 39.01; ~~or-~~

2050 3. The student continues in the scholarship program as long
2051 as the student's household income level does not exceed 230
2052 percent of the federal poverty level.

2053 ~~4. The student, who is a first-time tax credit scholarship~~
2054 ~~recipient, is a sibling of a student who is continuing in the~~
2055 ~~scholarship program and who resides in the same household as the~~
2056 ~~student if the sibling meets one or more of the criteria~~
2057 ~~specified in subparagraphs 1. and 2. and as long as the~~
2058 ~~student's and sibling's household income level does not exceed~~
2059 ~~230 percent of the federal poverty level.~~

2014850er

2060 (c) For the 2016-2017 school year and thereafter,
2061 contingent upon available funds, a student is eligible for a
2062 Florida tax credit scholarship under this section if the student
2063 meets one or more of the following criteria:

2064 1. The student is on the direct certification list or the
2065 student's household income level does not exceed 185 percent of
2066 the federal poverty level; or

2067 2. The student is currently placed, or during the previous
2068 state fiscal year was placed, in foster care or in out-of-home
2069 care as defined in s. 39.01.

2070 3. The student's household income level is greater than 185
2071 percent of the federal poverty level but does not exceed 260
2072 percent of the federal poverty level.

2073
2074 A student who initially receives a scholarship based on
2075 eligibility under subparagraph (b)2. or subparagraph (c)2.
2076 remains eligible until the student graduates from high school or
2077 attains the age of 21 years, whichever occurs first, regardless
2078 of the student's household income level. A sibling of a student
2079 who is participating in the scholarship program under this
2080 subsection is eligible for a scholarship if the student resides
2081 in the same household as the sibling.

2082 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

2083 (a)1. The tax credit cap amount is \$229 million in the
2084 2012-2013 state fiscal year.

2085 2. In the 2013-2014 state fiscal year and each state fiscal
2086 year thereafter, the tax credit cap amount is the tax credit cap
2087 amount in the prior state fiscal year. However, in any state
2088 fiscal year when the annual tax credit amount for the prior

2014850er

2089 state fiscal year is equal to or greater than 90 percent of the
2090 tax credit cap amount applicable to that state fiscal year, the
2091 tax credit cap amount shall increase by 25 percent. The
2092 Department of Education and Department of Revenue ~~department~~
2093 shall publish on their websites ~~its website~~ information
2094 identifying the tax credit cap amount when it is increased
2095 pursuant to this subparagraph.

2096 (b) A taxpayer may submit an application to the department
2097 for a tax credit or credits under one or more of s. 211.0251, s.
2098 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

2099 1. The taxpayer shall specify in the application each tax
2100 for which the taxpayer requests a credit and the applicable
2101 taxable year for a credit under s. 220.1875 or s. 624.51055 or
2102 the applicable state fiscal year for a credit under s. 211.0251,
2103 s. 212.1831, or s. 561.1211. The department shall approve tax
2104 credits on a first-come, first-served basis and must obtain the
2105 division's approval before ~~prior to~~ approving a tax credit under
2106 s. 561.1211.

2107 2. Within 10 days after approving an application, the
2108 department shall provide a copy of its approval letter to the
2109 eligible nonprofit scholarship-funding organization specified by
2110 the taxpayer in the application.

2111 (c) If a tax credit approved under paragraph (b) is not
2112 fully used within the specified state fiscal year for credits
2113 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes
2114 due for the specified taxable year for credits under s. 220.1875
2115 or s. 624.51055 because of insufficient tax liability on the
2116 part of the taxpayer, the unused amount may be carried forward
2117 for a period not to exceed 5 years. However, any taxpayer that

2014850er

2118 seeks to carry forward an unused amount of tax credit must
2119 submit an application to the department for approval of the
2120 carryforward tax credit in the year that the taxpayer intends to
2121 use the carryforward. The department must obtain the division's
2122 approval prior to approving the carryforward of a tax credit
2123 under s. 561.1211.

2124 (d) A taxpayer may not convey, assign, or transfer an
2125 approved tax credit or a carryforward tax credit to another
2126 entity unless all of the assets of the taxpayer are conveyed,
2127 assigned, or transferred in the same transaction. However, a tax
2128 credit under s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211,
2129 or s. 624.51055 may be conveyed, transferred, or assigned
2130 between members of an affiliated group of corporations if the
2131 type of tax credit under s. 211.0251, s. 212.1831, s. 220.1875,
2132 s. 561.1211, or s. 624.51055 remains the same. A taxpayer shall
2133 notify the department of its intent to convey, transfer, or
2134 assign a tax credit to another member within an affiliated group
2135 of corporations. The amount conveyed, transferred, or assigned
2136 is available to another member of the affiliated group of
2137 corporations upon approval by the department. The department
2138 shall obtain the division's approval before approving a
2139 conveyance, transfer, or assignment of a tax credit under s.
2140 561.1211.

2141 (e) Within any state fiscal year, a taxpayer may rescind
2142 all or part of a tax credit approved under paragraph (b). The
2143 amount rescinded shall become available for that state fiscal
2144 year to another eligible taxpayer as approved by the department
2145 if the taxpayer receives notice from the department that the
2146 rescindment has been accepted by the department. The department

2014850er

2147 must obtain the division's approval prior to accepting the
2148 rescindment of a tax credit under s. 561.1211. Any amount
2149 rescinded under this paragraph shall become available to an
2150 eligible taxpayer on a first-come, first-served basis based on
2151 tax credit applications received after the date the rescindment
2152 is accepted by the department.

2153 (f) For purposes of calculating the underpayment of
2154 estimated corporate income taxes pursuant to s. 220.34 and tax
2155 installment payments for taxes on insurance premiums or
2156 assessments under s. 624.5092, the final amount due is the
2157 amount after credits earned under s. 220.1875 or s. 624.51055
2158 for contributions to eligible nonprofit scholarship-funding
2159 organizations are deducted.

2160 1. For purposes of determining if a penalty or interest
2161 shall be imposed for underpayment of estimated corporate income
2162 tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning
2163 a credit under s. 220.1875, reduce the following estimated
2164 payment in that taxable year by the amount of the credit. This
2165 subparagraph applies to contributions made on or after July 1,
2166 2014.

2167 2. For purposes of determining if a penalty under s.
2168 624.5092 shall be imposed, an insurer may, after earning a
2169 credit under s. 624.51055, reduce the following installment
2170 payment of 27 percent of the amount of the net tax due as
2171 reported on the return for the preceding year under s.
2172 624.5092(2)(b) by the amount of the credit. This subparagraph
2173 applies to contributions made on or after July 1, 2014.

2174 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2175 ORGANIZATIONS.—An eligible nonprofit scholarship-funding

2014850er

2176 organization:

2177 (a) Must comply with the antidiscrimination provisions of
2178 42 U.S.C. s. 2000d.

2179 (b) Must comply with the following background check
2180 requirements:

2181 1. All owners and operators as defined in subparagraph
2182 (2) (i) 1. ~~(2) (h) 1.~~ are, before ~~upon~~ employment or engagement to
2183 provide services, subject to level 2 background screening as
2184 provided under chapter 435. The fingerprints for the background
2185 screening must be electronically submitted to the Department of
2186 Law Enforcement and can be taken by an authorized law
2187 enforcement agency or by an employee of the eligible nonprofit
2188 scholarship-funding organization or a private company who is
2189 trained to take fingerprints. However, the complete set of
2190 fingerprints of an owner or operator may not be taken by the
2191 owner or operator. The results of the state and national
2192 criminal history check shall be provided to the Department of
2193 Education for screening under chapter 435. The cost of the
2194 background screening may be borne by the eligible nonprofit
2195 scholarship-funding organization or the owner or operator.

2196 2. Every 5 years following employment or engagement to
2197 provide services or association with an eligible nonprofit
2198 scholarship-funding organization, each owner or operator must
2199 meet level 2 screening standards as described in s. 435.04, at
2200 which time the nonprofit scholarship-funding organization shall
2201 request the Department of Law Enforcement to forward the
2202 fingerprints to the Federal Bureau of Investigation for level 2
2203 screening. If the fingerprints of an owner or operator are not
2204 retained by the Department of Law Enforcement under subparagraph

2014850er

2205 3., the owner or operator must electronically file a complete
2206 set of fingerprints with the Department of Law Enforcement. Upon
2207 submission of fingerprints for this purpose, the eligible
2208 nonprofit scholarship-funding organization shall request that
2209 the Department of Law Enforcement forward the fingerprints to
2210 the Federal Bureau of Investigation for level 2 screening, and
2211 the fingerprints shall be retained by the Department of Law
2212 Enforcement under subparagraph 3.

2213 3. ~~All~~ Fingerprints submitted to the Department of Law
2214 Enforcement as required by this paragraph must be retained by
2215 the Department of Law Enforcement in a manner approved by rule
2216 and entered in the statewide automated biometric identification
2217 system authorized by s. 943.05(2)(b). The fingerprints must
2218 thereafter be available for all purposes and uses authorized for
2219 arrest fingerprints entered in the statewide automated biometric
2220 identification system pursuant to s. 943.051.

2221 4. The Department of Law Enforcement shall search all
2222 arrest fingerprints received under s. 943.051 against the
2223 fingerprints retained in the statewide automated biometric
2224 identification system under subparagraph 3. Any arrest record
2225 that is identified with an owner's or operator's fingerprints
2226 must be reported to the Department of Education. The Department
2227 of Education shall participate in this search process by paying
2228 an annual fee to the Department of Law Enforcement and by
2229 informing the Department of Law Enforcement of any change in the
2230 employment, engagement, or association status of the owners or
2231 operators whose fingerprints are retained under subparagraph 3.
2232 The Department of Law Enforcement shall adopt a rule setting the
2233 amount of the annual fee to be imposed upon the Department of

2014850er

2234 Education for performing these services and establishing the
2235 procedures for the retention of owner and operator fingerprints
2236 and the dissemination of search results. The fee may be borne by
2237 the owner or operator of the nonprofit scholarship-funding
2238 organization.

2239 5. A nonprofit scholarship-funding organization whose owner
2240 or operator fails the level 2 background screening is not ~~shall~~
2241 ~~not be~~ eligible to provide scholarships under this section.

2242 6. A nonprofit scholarship-funding organization whose owner
2243 or operator in the last 7 years has filed for personal
2244 bankruptcy or corporate bankruptcy in a corporation of which he
2245 or she owned more than 20 percent shall not be eligible to
2246 provide scholarships under this section.

2247 7. In addition to the offenses listed in s. 435.04, a
2248 person required to undergo background screening pursuant to this
2249 part or authorizing statutes must not have an arrest awaiting
2250 final disposition for, must not have been found guilty of, or
2251 entered a plea of nolo contendere to, regardless of
2252 adjudication, and must not have been adjudicated delinquent, and
2253 the record must not have been sealed or expunged for, any of the
2254 following offenses or any similar offense of another
2255 jurisdiction:

2256 a. Any authorizing statutes, if the offense was a felony.

2257 b. This chapter, if the offense was a felony.

2258 c. Section 409.920, relating to Medicaid provider fraud.

2259 d. Section 409.9201, relating to Medicaid fraud.

2260 e. Section 741.28, relating to domestic violence.

2261 f. Section 817.034, relating to fraudulent acts through

2262 mail, wire, radio, electromagnetic, photoelectronic, or

2014850er

- 2263 photooptical systems.
- 2264 g. Section 817.234, relating to false and fraudulent
- 2265 insurance claims.
- 2266 h. Section 817.505, relating to patient brokering.
- 2267 i. Section 817.568, relating to criminal use of personal
- 2268 identification information.
- 2269 j. Section 817.60, relating to obtaining a credit card
- 2270 through fraudulent means.
- 2271 k. Section 817.61, relating to fraudulent use of credit
- 2272 cards, if the offense was a felony.
- 2273 l. Section 831.01, relating to forgery.
- 2274 m. Section 831.02, relating to uttering forged instruments.
- 2275 n. Section 831.07, relating to forging bank bills, checks,
- 2276 drafts, or promissory notes.
- 2277 o. Section 831.09, relating to uttering forged bank bills,
- 2278 checks, drafts, or promissory notes.
- 2279 p. Section 831.30, relating to fraud in obtaining medicinal
- 2280 drugs.
- 2281 q. Section 831.31, relating to the sale, manufacture,
- 2282 delivery, or possession with the intent to sell, manufacture, or
- 2283 deliver any counterfeit controlled substance, if the offense was
- 2284 a felony.
- 2285 (c) Must not have an owner or operator who owns or operates
- 2286 an eligible private school that is participating in the
- 2287 scholarship program.
- 2288 (d) Must provide scholarships, from eligible contributions,
- 2289 to eligible students for the cost of:
- 2290 1. Tuition and fees for an eligible private school; or
- 2291 2. Transportation to a Florida public school that is

2014850er

2292 located outside the district in which the student resides or to
2293 a lab school as defined in s. 1002.32.

2294 (e) Must give first priority to eligible students who
2295 received a scholarship from an eligible nonprofit scholarship-
2296 funding organization or from the State of Florida during the
2297 previous school year. Beginning in the 2016-2017 school year, an
2298 eligible nonprofit scholarship-funding organization shall give
2299 priority to new applicants whose household income levels do not
2300 exceed 185 percent of the federal poverty level or who are in
2301 foster care or out-of-home care.

2302 (f) Must provide a scholarship to an eligible student on a
2303 first-come, first-served basis unless the student qualifies for
2304 priority pursuant to paragraph (e).

2305 (g) May not restrict or reserve scholarships for use at a
2306 particular private school or provide scholarships to a child of
2307 an owner or operator.

2308 (h) Must allow a student in foster care or out-of-home care
2309 to apply for a scholarship at any time.

2310 (i) ~~(h)~~ Must allow an eligible student to attend any
2311 eligible private school and must allow a parent to transfer a
2312 scholarship during a school year to any other eligible private
2313 school of the parent's choice.

2314 (j) ~~(i)~~ 1. May use up to 3 percent of eligible contributions
2315 received during the state fiscal year in which such
2316 contributions are collected for administrative expenses if the
2317 organization has operated under this section for at least 3
2318 state fiscal years and did not have any negative financial
2319 findings in its most recent audit under paragraph (m) ~~(l)~~. Such
2320 administrative expenses must be reasonable and necessary for the

2014850er

2321 organization's management and distribution of eligible
2322 contributions under this section. No funds authorized under this
2323 subparagraph shall be used for lobbying or political activity or
2324 expenses related to lobbying or political activity. Up to ~~Ne~~
2325 ~~more than~~ one-third of the funds authorized for administrative
2326 expenses under this subparagraph may be used for expenses
2327 related to the recruitment of contributions from taxpayers. If
2328 an eligible nonprofit scholarship-funding organization charges
2329 an application fee for a scholarship, the application fee must
2330 be immediately refunded to the person that paid the fee if the
2331 student is not enrolled in a participating school within twelve
2332 months.

2333 2. Must expend for annual or partial-year scholarships an
2334 amount equal to or greater than 75 percent of the net eligible
2335 contributions remaining after administrative expenses during the
2336 state fiscal year in which such contributions are collected. No
2337 more than 25 percent of such net eligible contributions may be
2338 carried forward to the following state fiscal year. All amounts
2339 carried forward, for audit purposes, must be specifically
2340 identified for particular students, by student name and the name
2341 of the school to which the student is admitted, subject to the
2342 requirements of s. 1002.22, s. 1002.221, 20 U.S.C. s. 1232g, and
2343 the applicable rules and regulations issued pursuant thereto.

2344 Any amounts carried forward shall be expended for annual or
2345 partial-year scholarships in the following state fiscal year.
2346 Net eligible contributions remaining on June 30 of each year
2347 that are in excess of the 25 percent that may be carried forward
2348 shall be returned to the State Treasury for deposit in the
2349 General Revenue Fund.

2014850er

2350 3. Must, before granting a scholarship for an academic
2351 year, document each scholarship student's eligibility for that
2352 academic year. A scholarship-funding organization may not grant
2353 multiyear scholarships in one approval process.

2354 (k)~~(j)~~ Must maintain separate accounts for scholarship
2355 funds and operating funds.

2356 (l)~~(k)~~ With the prior approval of the Department of
2357 Education, may transfer funds to another eligible nonprofit
2358 scholarship-funding organization if additional funds are
2359 required to meet scholarship demand at the receiving nonprofit
2360 scholarship-funding organization. A transfer is ~~shall be~~ limited
2361 to the greater of \$500,000 or 20 percent of the total
2362 contributions received by the nonprofit scholarship-funding
2363 organization making the transfer. All transferred funds must be
2364 deposited by the receiving nonprofit scholarship-funding
2365 organization into its scholarship accounts. All transferred
2366 amounts received by any nonprofit scholarship-funding
2367 organization must be separately disclosed in the annual
2368 financial and compliance audit required in this section.

2369 (m)~~(l)~~ Must provide to the Auditor General and the
2370 Department of Education a report on the results of an annual
2371 financial ~~and compliance~~ audit of its accounts and records
2372 conducted by an independent certified public accountant ~~and~~ in
2373 accordance with auditing standards generally accepted in the
2374 United States, government auditing standards, and rules
2375 promulgated ~~adopted~~ by the Auditor General. The audit report
2376 ~~must be conducted in compliance with generally accepted auditing~~
2377 ~~standards and~~ must include a report on financial statements
2378 presented in accordance with generally accepted accounting

2014850er

2379 principles ~~set forth by the American Institute of Certified~~
2380 ~~Public Accountants for not-for-profit organizations and a~~
2381 ~~determination of compliance with the statutory eligibility and~~
2382 ~~expenditure requirements set forth in this section. Audit~~
2383 reports ~~Audits~~ must be provided to the Auditor General and the
2384 Department of Education within 180 days after completion of the
2385 eligible nonprofit scholarship-funding organization's fiscal
2386 year. The Auditor General shall review all audit reports
2387 submitted pursuant to this paragraph. The Auditor General shall
2388 request any significant items that were omitted in violation of
2389 a rule adopted by the Auditor General. The items must be
2390 provided within 45 days after the date of the request. If the
2391 scholarship-funding organization does not comply with the
2392 Auditor General's request, the Auditor General shall notify the
2393 Legislative Auditing Committee.

2394 (n) ~~(m)~~ Must prepare and submit quarterly reports to the
2395 Department of Education pursuant to paragraph (9) (m). In
2396 addition, an eligible nonprofit scholarship-funding organization
2397 must submit in a timely manner any information requested by the
2398 Department of Education relating to the scholarship program.

2399 (o) ~~(n)~~1.a. Must participate in the joint development of
2400 agreed-upon procedures to be performed by an independent
2401 certified public accountant as required under paragraph (8) (e)
2402 if the scholarship-funding organization provided more than
2403 \$250,000 in scholarship funds to an eligible private school
2404 under this section during the 2009-2010 state fiscal year. The
2405 agreed-upon procedures must uniformly apply to all private
2406 schools and must determine, at a minimum, whether the private
2407 school has been verified as eligible by the Department of

2014850er

2408 Education under paragraph (9)(c); has an adequate accounting
2409 system, system of financial controls, and process for deposit
2410 and classification of scholarship funds; and has properly
2411 expended scholarship funds for education-related expenses.
2412 During the development of the procedures, the participating
2413 scholarship-funding organizations shall specify guidelines
2414 governing the materiality of exceptions that may be found during
2415 the accountant's performance of the procedures. The procedures
2416 and guidelines shall be provided to private schools and the
2417 Commissioner of Education by March 15, 2011.

2418 b. Must participate in a joint review of the agreed-upon
2419 procedures and guidelines developed under sub-subparagraph a.,
2420 by February 2013 and biennially thereafter, if the scholarship-
2421 funding organization provided more than \$250,000 in scholarship
2422 funds to an eligible private school under this section during
2423 the state fiscal year preceding the biennial review. If the
2424 procedures and guidelines are revised, the revisions must be
2425 provided to private schools and the Commissioner of Education by
2426 March 15, 2013, and biennially thereafter.

2427 c. Must monitor the compliance of a private school with
2428 paragraph (8)(e) if the scholarship-funding organization
2429 provided the majority of the scholarship funding to the school.
2430 For each private school subject to paragraph (8)(e), the
2431 appropriate scholarship-funding organization shall notify the
2432 Commissioner of Education by October 30, 2011, and annually
2433 thereafter of:

2434 (I) A private school's failure to submit a report required
2435 under paragraph (8)(e); or

2436 (II) Any material exceptions set forth in the report

2014850er

2437 required under paragraph (8) (e).

2438 2. Must seek input from the accrediting associations that
2439 are members of the Florida Association of Academic Nonpublic
2440 Schools when jointly developing the agreed-upon procedures and
2441 guidelines under sub-subparagraph 1.a. and conducting a review
2442 of those procedures and guidelines under sub-subparagraph 1.b.

2443 (p) Must maintain the surety bond or letter of credit
2444 required by subsection (16). The amount of the surety bond or
2445 letter of credit may be adjusted quarterly to equal the actual
2446 amount of undisbursed funds based upon submission by the
2447 organization of a statement from a certified public accountant
2448 verifying the amount of undisbursed funds. The requirements of
2449 this paragraph are waived if the cost of acquiring a surety bond
2450 or letter of credit exceeds the average 10-year cost of
2451 acquiring a surety bond or letter of credit by 200 percent. The
2452 requirements of this paragraph are waived for a state
2453 university; or an independent college or university which is
2454 eligible to participate in the William L. Boyd, IV, Florida
2455 Resident Access Grant Program, located and chartered in this
2456 state, is not for profit, and is accredited by the Commission on
2457 Colleges of the Southern Association of Colleges and Schools.

2458 (q) Must provide to the Auditor General any information or
2459 documentation requested in connection with an operational audit
2460 of a scholarship funding organization conducted pursuant to s.
2461 11.45.

2462
2463 ~~Any and all~~ Information and documentation provided to the
2464 Department of Education and the Auditor General relating to the
2465 identity of a taxpayer that provides an eligible contribution

2014850er

2466 under this section shall remain confidential at all times in
2467 accordance with s. 213.053.

2468 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
2469 PARTICIPATION.—

2470 (g) The parent shall authorize the nonprofit scholarship-
2471 funding organization to access information needed for income
2472 eligibility determination and verification held by other state
2473 or federal agencies, including the Department of Revenue, the
2474 Department of Children and Families, the Department of
2475 Education, the Department of Economic Opportunity, and the
2476 Agency for Health Care Administration.

2477 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
2478 private school may be sectarian or nonsectarian and must:

2479 (c) Be academically accountable to the parent for meeting
2480 the educational needs of the student by:

2481 1. At a minimum, annually providing to the parent a written
2482 explanation of the student's progress.

2483 2. Annually administering or making provision for students
2484 participating in the scholarship program in grades 3 through 10
2485 to take one of the nationally norm-referenced tests identified
2486 by the Department of Education or the statewide assessments
2487 pursuant to s. 1008.22. Students with disabilities for whom
2488 standardized testing is not appropriate are exempt from this
2489 requirement. A participating private school must report a
2490 student's scores to the parent. A participating private school
2491 must annually report by August 15 the scores of all
2492 participating students to the Learning System Institute
2493 ~~independent research organization~~ described in paragraph (9) (j).

2494 3. Cooperating with—the scholarship student whose parent

2014850er

2495 chooses to have the student participate in the statewide
2496 assessments pursuant to s. 1008.22 or, if a private school
2497 chooses to offer the statewide assessments, administering the
2498 assessments at the school.

2499 a. A participating private school may choose to offer and
2500 administer the statewide assessments to all students who attend
2501 the private school in grades 3 through 10.

2502 b. A participating private school must submit a request in
2503 writing to the Department of Education by March 1 of each year
2504 in order to administer the statewide assessments in the
2505 subsequent school year.

2506 (e) Annually contract with an independent certified public
2507 accountant to perform the agreed-upon procedures developed under
2508 paragraph (6) (o) ~~(6) (n)~~ and produce a report of the results if
2509 the private school receives more than \$250,000 in funds from
2510 scholarships awarded under this section in the 2010-2011 state
2511 fiscal year or a state fiscal year thereafter. A private school
2512 subject to this paragraph must submit the report by September
2513 15, 2011, and annually thereafter to the scholarship-funding
2514 organization that awarded the majority of the school's
2515 scholarship funds. The agreed-upon procedures must be conducted
2516 in accordance with attestation standards established by the
2517 American Institute of Certified Public Accountants.

2518
2519 The inability of a private school to meet the requirements of
2520 this subsection shall constitute a basis for the ineligibility
2521 of the private school to participate in the scholarship program
2522 as determined by the Department of Education.

2523 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of

2014850er

2524 Education shall:

2525 (d) Annually verify the eligibility of expenditures as
2526 provided in paragraph (6) (d) using the audit required by
2527 paragraph (6) (m) and s. 11.45(2) (k) ~~(6) (1)~~.

2528 (j) Issue a project grant award to the Learning System
2529 Institute at the Florida State University ~~Select an independent~~
2530 ~~research organization, which may be a public or private entity~~
2531 ~~or university,~~ to which participating private schools must
2532 report the scores of participating students on the nationally
2533 norm-referenced tests or the statewide assessments administered
2534 by the private school in grades 3 through 10. The project term
2535 is 2 years, and the amount of the project is up to \$500,000 per
2536 year. The project grant award must be reissued in 2 year
2537 intervals in accordance with this paragraph.

2538 1. The Learning System Institute ~~independent research~~
2539 ~~organization~~ must annually report to the Department of Education
2540 on the student performance ~~year-to-year learning gains~~ of
2541 participating students:

2542 a. On a statewide basis. The report shall also include, to
2543 the extent possible, a comparison of scholarship students'
2544 performance ~~these learning gains~~ to the statewide student
2545 performance ~~learning gains~~ of public school students with
2546 socioeconomic backgrounds similar to those of students
2547 participating in the scholarship program. To minimize costs and
2548 reduce time required for the Learning System Institute's
2549 ~~independent research organization's~~ analysis and evaluation, the
2550 Department of Education shall coordinate with the Learning
2551 System Institute to provide data to the Learning System
2552 Institute in order to conduct analyses of matched students from

2014850er

2553 public school assessment data and calculate control group
2554 student performance ~~learning gains~~ using an agreed-upon
2555 methodology ~~outlined in the contract~~ with the Learning System
2556 Institute independent research organization; and

2557 b. On an individual school basis. The annual report must
2558 include student performance for each participating private
2559 school in which at least 51 percent of the total enrolled
2560 students in the private school participated in the Florida Tax
2561 Credit Scholarship Program in the prior school year. The report
2562 shall be according to each participating private school, and for
2563 participating students, in which there are at least 30
2564 participating students who have scores for tests administered
2565 during or after the 2009-2010 school year for 2 consecutive
2566 years at that private school. If the Learning System Institute
2567 determines that the 30 participating student cell size may be
2568 reduced without disclosing personally identifiable information,
2569 as described in 34 C.F.R. 99.12, of a participating student, the
2570 Learning System Institute may reduce the participating student
2571 cell size, but the cell size must not be reduced to less than 10
2572 participating students. The department shall provide each
2573 private school's prior school year's student enrollment
2574 information to the Learning System Institute no later than June
2575 15 of each year, or as requested by the Learning System
2576 Institute.

2577 2. The sharing and reporting of student performance
2578 ~~learning gain~~ data under this paragraph must be in accordance
2579 with requirements of s. 1002.22, s. 1002.221, 20 U.S.C. s.
2580 1232g, the Family Educational Rights and Privacy Act, and the
2581 applicable rules and regulations issued pursuant thereto, and

2014850er

2582 shall be for the sole purpose of creating the annual report
2583 required by subparagraph 1. All parties must preserve the
2584 confidentiality of such information as required by law. The
2585 annual report must not disaggregate data to a level that will
2586 identify individual participating schools, except as required
2587 under sub-subparagraph 1.b., or disclose the academic level of
2588 individual students.

2589 3. The annual report required by subparagraph 1. shall be
2590 published by the Department of Education on its website.

2591 (o) Provide a process to match the direct certification
2592 list with the scholarship application data submitted by any
2593 nonprofit scholarship-funding organization eligible to receive
2594 the 3-percent administrative allowance under paragraph (6) (j)
2595 ~~(6) (i)~~.

2596 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

2597 (a)~~1~~. Except as provided in subparagraph 2., the amount of
2598 a scholarship provided to any student for any single school year
2599 by an eligible nonprofit scholarship-funding organization from
2600 eligible contributions shall be for total costs authorized under
2601 paragraph (6) (d), not to exceed annual limits, which shall be
2602 determined as follows:

2603 1.a. For a scholarship awarded to a student enrolled in an
2604 eligible private school:

2605 ~~(I) For the 2009-2010 state fiscal year, the limit shall be~~
2606 ~~\$3,950.~~

2607 ~~(II) For the 2010-2011 state fiscal year, the limit shall~~
2608 ~~be 60 percent of the unweighted FTE funding amount for that~~
2609 ~~year.~~

2610 ~~(III) For the 2011-2012 state fiscal year and thereafter,~~

2014850er

2611 the limit shall be determined by multiplying the unweighted FTE
2612 funding amount in that state fiscal year by the percentage used
2613 to determine the limit in the prior state fiscal year. However,
2614 in each state fiscal year that the tax credit cap amount
2615 increases pursuant to paragraph (5) (a) ~~subparagraph (5) (a) 2.~~,
2616 the prior year percentage shall be increased by 4 percentage
2617 points and the increased percentage shall be used to determine
2618 the limit for that state fiscal year. If the percentage so
2619 calculated reaches 80 percent in a state fiscal year, no further
2620 increase in the percentage is allowed and the limit shall be 80
2621 percent of the unweighted FTE funding amount for that state
2622 fiscal year and thereafter. Beginning in the 2016-2017 state
2623 fiscal year, the amount of a scholarship awarded to a student
2624 enrolled in an eligible private school shall be equal to 82
2625 percent of the unweighted FTE funding amount for that state
2626 fiscal year and thereafter.

2627 b. For a scholarship awarded to a student enrolled in a
2628 Florida public school that is located outside the district in
2629 which the student resides or in a lab school as defined in s.
2630 1002.32, the limit shall be \$500.

2631 2. The annual limit for a scholarship under sub-
2632 subparagraph 1.a. shall be reduced by:

2633 a. Twenty-five percent if the student's household income
2634 level is equal to or greater than 200 percent, but less than 215
2635 percent, of the federal poverty level.

2636 b. Fifty percent if the student's household income level is
2637 equal to or greater than 215 percent, but equal to or less than
2638 230 percent, of the federal poverty level.

2639 3. For the 2016-2017 state fiscal year and thereafter, the

2014850er

2640 annual limit for a scholarship under sub-subparagraph 1.a. shall
2641 be reduced by:

2642 a. Twelve percent if the student's household income level
2643 is greater than or equal to 200 percent, but less than 215
2644 percent, of the federal poverty level.

2645 b. Twenty-six percent if the student's household income
2646 level is greater than or equal to 215 percent, but less than 230
2647 percent, of the federal poverty level.

2648 c. Forty percent if the student's household income level is
2649 greater than or equal to 230 percent, but less than 245 percent,
2650 of the federal poverty level.

2651 d. Fifty percent if the student's household income level is
2652 greater than or equal to 245 percent, but less than or equal to
2653 260 percent, of the federal poverty level.

2654 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
2655 APPLICATION.—In order to participate in the scholarship program
2656 created under this section, a charitable organization that seeks
2657 to be a nonprofit scholarship-funding organization must submit
2658 an application for initial approval or renewal to the Office of
2659 Independent Education and Parental Choice no later than
2660 September 1 of each year before the school year for which the
2661 organization intends to offer scholarships.

2662 (a) An application for initial approval must include:

2663 1. A copy of the organization's incorporation documents and
2664 registration with the Division of Corporations of the Department
2665 of State.

2666 2. A copy of the organization's Internal Revenue Service
2667 determination letter as a s. 501(c)(3) not-for-profit
2668 organization.

2014850er

2669 3. A description of the organization's financial plan that
2670 demonstrates sufficient funds to operate throughout the school
2671 year.

2672 4. A description of the geographic region that the
2673 organization intends to serve and an analysis of the demand and
2674 unmet need for eligible students in that area.

2675 5. The organization's organizational chart.

2676 6. A description of the criteria and methodology that the
2677 organization will use to evaluate scholarship eligibility.

2678 7. A description of the application process, including
2679 deadlines and any associated fees.

2680 8. A description of the deadlines for attendance
2681 verification and scholarship payments.

2682 9. A copy of the organization's policies on conflict of
2683 interest and whistleblowers.

2684 10. A copy of a surety bond or letter of credit in an
2685 amount equal to 25 percent of the scholarship funds anticipated
2686 for each school year or \$100,000, whichever is greater.

2687 (b) In addition to the information required by
2688 subparagraphs (a)1.-9., an application for renewal must include:

2689 1. A surety bond or letter of credit equal to the amount of
2690 undisbursed donations held by the organization based on the
2691 annual report submitted pursuant to paragraph (6) (m). The amount
2692 of the surety bond or letter of credit must be at least
2693 \$100,000, but not more than \$25 million.

2694 2. The organization's completed Internal Revenue Service
2695 Form 990 submitted no later than November 30 of the year before
2696 the school year that the organization intends to offer the
2697 scholarships, notwithstanding the September 1 application

2014850er

2698 deadline.

2699 3. A copy of the statutorily required audit to the
2700 Department of Education and Auditor General.

2701 4. An annual report that includes:

2702 a. The number of students who completed applications, by
2703 county and by grade.

2704 b. The number of students who were approved for
2705 scholarships, by county and by grade.

2706 c. The number of students who received funding for
2707 scholarships within each funding category, by county and by
2708 grade.

2709 d. The amount of funds received, the amount of funds
2710 distributed in scholarships, and an accounting of remaining
2711 funds and the obligation of those funds.

2712 e. A detailed accounting of how the organization spent the
2713 administrative funds allowable under paragraph (6) (j).

2714 (c) In consultation with the Department of Revenue and the
2715 Chief Financial Officer, the Office of Independent Education and
2716 Parental Choice shall review the application. The Department of
2717 Education shall notify the organization in writing of any
2718 deficiencies within 30 days after receipt of the application and
2719 allow the organization 30 days to correct any deficiencies.

2720 (d) Within 30 days after receipt of the finalized
2721 application by the Office of Independent Education and Parental
2722 Choice, the Commissioner of Education shall recommend approval
2723 or disapproval of the application to the State Board of
2724 Education. The State Board of Education shall consider the
2725 application and recommendation at the next scheduled meeting,
2726 adhering to appropriate meeting notice requirements. If the

2014850er

2727 State Board of Education disapproves the organization's
2728 application, it shall provide the organization with a written
2729 explanation of that determination. The State Board of
2730 Education's action is not subject to chapter 120.

2731 (e) If the State Board of Education disapproves the renewal
2732 of a nonprofit scholarship-funding organization, the
2733 organization must notify the affected eligible students and
2734 parents of the decision within 15 days after disapproval. An
2735 eligible student affected by the disapproval of an
2736 organization's participation remains eligible under this section
2737 until the end of the school year in which the organization was
2738 disapproved. The student must apply and be accepted by another
2739 eligible nonprofit scholarship-funding organization for the
2740 upcoming school year. The student shall be given priority in
2741 accordance with paragraph (6) (f).

2742 (f) All remaining funds held by a nonprofit scholarship-
2743 funding organization that is disapproved for participation must
2744 revert to the Department of Revenue for redistribution to other
2745 eligible nonprofit scholarship-funding organizations.

2746 (g) A nonprofit scholarship-funding organization is a
2747 renewing organization if it maintains continuous approval and
2748 participation in the program. An organization that chooses not
2749 to participate for 1 year or more or is disapproved to
2750 participate for 1 year or more must submit an application for
2751 initial approval in order to participate in the program again.

2752 (h) The State Board of Education shall adopt rules
2753 providing guidelines for receiving, reviewing, and approving
2754 applications for new and renewing nonprofit scholarship-funding
2755 organizations. The rules must include a process for compiling

2014850er

2756 input and recommendations from the Chief Financial Officer, the
2757 Department of Revenue, and the Department of Education. The
2758 rules must also require that the nonprofit scholarship-funding
2759 organization make a brief presentation to assist the State Board
2760 of Education in its decision.

2761 (i) A state university; or an independent college or
2762 university which is eligible to participate in the William L.
2763 Boyd, IV, Florida Resident Access Grant Program, located and
2764 chartered in this state, is not for profit, and is accredited by
2765 the Commission on Colleges of the Southern Association of
2766 Colleges and Schools, is exempt from the initial or renewal
2767 application process, but must file a registration notice with
2768 the Department of Education to be an eligible nonprofit
2769 scholarship-funding organization. The State Board of Education
2770 shall adopt rules that identify the procedure for filing the
2771 registration notice with the department. The rules must identify
2772 appropriate reporting requirements for fiscal, programmatic, and
2773 performance accountability purposes consistent with this
2774 section, but shall not exceed the requirements for eligible
2775 nonprofit scholarship-funding organizations for charitable
2776 organizations. An nonprofit scholarship-funding organization
2777 that becomes eligible pursuant to this paragraph may begin
2778 providing scholarships to participating students in the 2015-
2779 2016 school year.

2780 Section 18. A nonprofit scholarship-funding organization
2781 whose application for participation in the program established
2782 by s. 1002.395, Florida Statutes, was approved before July 1,
2783 2014, must, by August 1, 2014, provide a copy of a surety bond
2784 or letter of credit meeting the requirements of s. 1002.395(16),

2014850er

2785 Florida Statutes, to the Office of Independent Education and
2786 Parental Choice.

2787 Section 19. Effective July 1, 2015, section 1003.438,
2788 Florida Statutes, is repealed.

2789 Section 20. Section 1003.5716, Florida Statutes, is created
2790 to read:

2791 1003.5716 Transition to postsecondary education and career
2792 opportunities.—All students with disabilities who are 3 years of
2793 age to 21 years of age have the right to a free, appropriate
2794 public education. As used in this section, the term "IEP" means
2795 individual education plan.

2796 (1) To ensure quality planning for a successful transition
2797 of a student with a disability to postsecondary education and
2798 career opportunities, an IEP team shall begin the process of,
2799 and develop an IEP for, identifying the need for transition
2800 services before the student with a disability attains the age of
2801 14 years in order for his or her postsecondary goals and career
2802 goals to be identified and in place when he or she attains the
2803 age of 16 years. This process must include, but is not limited
2804 to:

2805 (a) Consideration of the student's need for instruction in
2806 the area of self-determination and self-advocacy to assist the
2807 student's active and effective participation in an IEP meeting;
2808 and

2809 (b) Preparation for the student to graduate from high
2810 school with a standard high school diploma pursuant to s.
2811 1003.4282 with a Scholar designation unless the parent chooses a
2812 Merit designation.

2813 (2) Beginning not later than the first IEP to be in effect

2014850er

2814 when the student attains the age of 16, or younger if determined
2815 appropriate by the parent and the IEP team, the IEP must include
2816 the following statements that must be updated annually:

2817 (a) A statement of intent to pursue a standard high school
2818 diploma and a Scholar or Merit designation, pursuant to s.
2819 1003.4285, as determined by the parent.

2820 (b) A statement of intent to receive a standard high school
2821 diploma before the student attains the age of 22 and a
2822 description of how the student will fully meet the requirements
2823 in s. 1003.428 or s. 1003.4282, as applicable, including, but
2824 not limited to, a portfolio pursuant to s. 1003.4282(10)(b)
2825 which meets the criteria specified in State Board of Education
2826 rule. The IEP must also specify the outcomes and additional
2827 benefits expected by the parent and the IEP team at the time of
2828 the student's graduation.

2829 (c) A statement of appropriate measurable long-term
2830 postsecondary education and career goals based upon age-
2831 appropriate transition assessments related to training,
2832 education, employment, and, if appropriate, independent living
2833 skills and the transition services, including courses of study
2834 needed to assist the student in reaching those goals.

2835 (3) Any change in the IEP for the goals specified in
2836 subsection (2) must be approved by the parent and is subject to
2837 verification for appropriateness by an independent reviewer
2838 selected by the parent as provided in s. 1003.572.

2839 (4) If a participating agency responsible for transition
2840 services, other than the school district, fails to provide the
2841 transition services described in the IEP, the school district
2842 shall reconvene the IEP team to identify alternative strategies

2014850er

2843 to meet the transition objectives for the student that are
2844 specified in the IEP. However, this does not relieve any
2845 participating agency of the responsibility to provide or pay for
2846 any transition service that the agency would otherwise provide
2847 to students with disabilities who meet the eligibility criteria
2848 of that agency.

2849 Section 21. Subsection (3) of section 1003.572, Florida
2850 Statutes, is amended to read:

2851 1003.572 Collaboration of public and private instructional
2852 personnel.—

2853 (3) Private instructional personnel who are hired or
2854 contracted by parents to collaborate with public instructional
2855 personnel must be permitted to observe the student in the
2856 educational setting, collaborate with instructional personnel in
2857 the educational setting, and provide services in the educational
2858 setting according to the following requirements:

2859 (a) The student's public instructional personnel and
2860 principal consent to the time and place.

2861 (b) The private instructional personnel satisfy the
2862 requirements of s. 1012.32 or s. 1012.321.

2863
2864 For the purpose of implementing this subsection, a school
2865 district may not impose any requirements beyond those
2866 requirements specified in this subsection or charge any fees.

2867 Section 22. Paragraph (c) of subsection (5) and paragraph
2868 (b) of subsection (6) of section 1008.25, Florida Statutes, are
2869 amended to read:

2870 1008.25 Public school student progression; remedial
2871 instruction; reporting requirements.—

2014850er

2872 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—
2873 (c) The parent of any student who exhibits a substantial
2874 deficiency in reading, as described in paragraph (a), must be
2875 notified in writing of the following:
2876 1. That his or her child has been identified as having a
2877 substantial deficiency in reading.
2878 2. A description of the current services that are provided
2879 to the child.
2880 3. A description of the proposed supplemental instructional
2881 services and supports that will be provided to the child that
2882 are designed to remediate the identified area of reading
2883 deficiency.
2884 4. That if the child's reading deficiency is not remediated
2885 by the end of grade 3, the child must be retained unless he or
2886 she is exempt from mandatory retention for good cause.
2887 5. Strategies for parents to use in helping their child
2888 succeed in reading proficiency.
2889 6. That the Florida Comprehensive Assessment Test (FCAT) is
2890 not the sole determiner of promotion and that additional
2891 evaluations, portfolio reviews, and assessments are available to
2892 the child to assist parents and the school district in knowing
2893 when a child is reading at or above grade level and ready for
2894 grade promotion.
2895 7. The district's specific criteria and policies for a
2896 portfolio as provided in subparagraph (6)(b)4. and the evidence
2897 required for a student to demonstrate mastery of Florida's
2898 academic standards for English Language Arts. A parent of a
2899 student in grade 3 who is identified anytime during the year as
2900 being at risk of retention may request that the school

2014850er

2901 immediately begin collecting evidence for a portfolio.

2902 ~~8.7.~~ The district's specific criteria and policies for
2903 midyear promotion. Midyear promotion means promotion of a
2904 retained student at any time during the year of retention once
2905 the student has demonstrated ability to read at grade level.

2906 (6) ELIMINATION OF SOCIAL PROMOTION.—

2907 (b) The district school board may only exempt students from
2908 mandatory retention, as provided in paragraph (5) (b), for good
2909 cause. A student who is promoted to grade 4 with a good cause
2910 exemption shall be provided intensive reading instruction and
2911 intervention that include specialized diagnostic information and
2912 specific reading strategies to meet the needs of each student so
2913 promoted. The school district shall assist schools and teachers
2914 with the implementation of reading strategies for students
2915 promoted with a good cause exemption which research has shown to
2916 be successful in improving reading among students that have
2917 reading difficulties. Good cause exemptions are ~~shall be~~ limited
2918 to the following:

2919 1. Limited English proficient students who have had less
2920 than 2 years of instruction in an English for Speakers of Other
2921 Languages program.

2922 2. Students with disabilities whose individual education
2923 plan indicates that participation in the statewide assessment
2924 program is not appropriate, consistent with the requirements of
2925 State Board of Education rule.

2926 3. Students who demonstrate an acceptable level of
2927 performance on an alternative standardized reading or English
2928 Language Arts assessment approved by the State Board of
2929 Education.

2014850er

2930 4. A student who demonstrates through a student portfolio
2931 that he or she is performing at least at Level 2 on FCAT Reading
2932 or the common core English Language Arts assessment, as
2933 applicable under s. 1008.22.

2934 5. Students with disabilities who participate in FCAT
2935 Reading or the common core English Language Arts assessment, as
2936 applicable under s. 1008.22, and who have an individual
2937 education plan or a Section 504 plan that reflects that the
2938 student has received intensive remediation in reading and
2939 English Language Arts for more than 2 years but still
2940 demonstrates a deficiency and was previously retained in
2941 kindergarten, grade 1, grade 2, or grade 3.

2942 6. Students who have received intensive reading
2943 intervention for 2 or more years but still demonstrate a
2944 deficiency in reading and who were previously retained in
2945 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
2946 years. A student may not be retained more than once in grade 3.

2947 ~~7.6.~~ Students who have received intensive remediation in
2948 reading and English Language Arts, as applicable under s.
2949 1008.22, for 2 or more years but still demonstrate a deficiency
2950 and who were previously retained in kindergarten, grade 1, grade
2951 2, or grade 3 for a total of 2 years. Intensive instruction for
2952 students so promoted must include an altered instructional day
2953 that includes specialized diagnostic information and specific
2954 reading strategies for each student. The district school board
2955 shall assist schools and teachers to implement reading
2956 strategies that research has shown to be successful in improving
2957 reading among low-performing readers.

2958 Section 23. The Florida Prepaid College Board shall conduct

2014850er

2959 a study and submit a report to the President of the Senate and
2960 the Speaker of the House of Representatives by December 31,
2961 2014, which includes, but is not limited to, a description of
2962 the following:

2963 (1) The terms and conditions under which payments may be
2964 withdrawn from the Florida Prepaid College Trust Fund for the
2965 payment of program fees in excess of, or in lieu of, tuition for
2966 a student with a disability, up to the limits of an advanced
2967 payment contract;

2968 (2) A policy for accelerated disbursement of funds for
2969 payment of other qualified higher education expenses; and

2970 (3) Instances where a student with a disability can use an
2971 advanced payment contract when auditing a class or receiving a
2972 tuition waiver.

2973 Section 24. Effective July 1, 2015, paragraph (c) of
2974 subsection (1) of section 120.81, Florida Statutes, is amended
2975 to read:

2976 120.81 Exceptions and special requirements; general areas.—

2977 (1) EDUCATIONAL UNITS.—

2978 (c) Notwithstanding s. 120.52(16), any tests, test scoring
2979 criteria, or testing procedures relating to student assessment
2980 which are developed or administered by the Department of
2981 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.
2982 1008.22, or s. 1008.25, or any other statewide educational tests
2983 required by law, are not rules.

2984 Section 25. Effective July 1, 2015, subsection (2) of
2985 section 409.1451, Florida Statutes, is amended to read:

2986 409.1451 The Road-to-Independence Program.—

2987 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

2014850er

2988 (a) A young adult is eligible for services and support
2989 under this subsection if he or she:

2990 1. Was living in licensed care on his or her 18th birthday
2991 or is currently living in licensed care; or was at least 16
2992 years of age and was adopted from foster care or placed with a
2993 court-approved dependency guardian after spending at least 6
2994 months in licensed care within the 12 months immediately
2995 preceding such placement or adoption;

2996 2. Spent at least 6 months in licensed care before reaching
2997 his or her 18th birthday;

2998 3. Earned a standard high school diploma or its equivalent
2999 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.
3000 1003.435, ~~or s. 1003.438~~;

3001 4. Has been admitted for enrollment as a full-time student
3002 or its equivalent in an eligible postsecondary educational
3003 institution as provided in s. 1009.533. For purposes of this
3004 section, the term "full-time" means 9 credit hours or the
3005 vocational school equivalent. A student may enroll part-time if
3006 he or she has a recognized disability or is faced with another
3007 challenge or circumstance that would prevent full-time
3008 attendance. A student needing to enroll part-time for any reason
3009 other than having a recognized disability must get approval from
3010 his or her academic advisor;

3011 5. Has reached 18 years of age but is not yet 23 years of
3012 age;

3013 6. Has applied, with assistance from the young adult's
3014 caregiver and the community-based lead agency, for any other
3015 grants and scholarships for which he or she may qualify;

3016 7. Submitted a Free Application for Federal Student Aid

2014850er

3017 which is complete and error free; and

3018 8. Signed an agreement to allow the department and the
3019 community-based care lead agency access to school records.

3020 Section 26. Effective July 1, 2015, subsection (4) of
3021 section 1007.263, Florida Statutes, is amended to read:

3022 1007.263 Florida College System institutions; admissions of
3023 students.—Each Florida College System institution board of
3024 trustees is authorized to adopt rules governing admissions of
3025 students subject to this section and rules of the State Board of
3026 Education. These rules shall include the following:

3027 (4) A student who has been awarded ~~a special diploma as~~
3028 ~~defined in s. 1003.438~~ or a certificate of completion as defined
3029 in s. 1003.428(7)(b) is eligible to enroll in certificate career
3030 education programs.

3031
3032 Each board of trustees shall establish policies that notify
3033 students about developmental education options for improving
3034 their communication or computation skills that are essential to
3035 performing college-level work, including tutoring, extended time
3036 in gateway courses, free online courses, adult basic education,
3037 adult secondary education, or private provider instruction.

3038 Section 27. The amendments made by this act to ss. 1003.438
3039 and 409.1451, Florida Statutes, do not apply to a student with
3040 disabilities, as defined in s. 1003.438, Florida Statutes, who
3041 is eligible for and currently participating in the Road to
3042 Independence Program, as of the effective date of this act. Such
3043 student shall continue to participate in the program as long as
3044 he or she meets the eligibility criteria in effect as of the
3045 effective date of this act.

2014850er

3046 Section 28. The amendment made by this act to s. 1003.438,
3047 Florida Statutes, does not apply to a student with disabilities,
3048 as defined in s. 1003.438, Florida Statutes, whose individual
3049 education plan, as of the effective date of this act, contains a
3050 statement of intent to receive a special diploma. Such student
3051 shall be awarded a special diploma in a form prescribed by the
3052 Commissioner of Education if the student meets the requirements
3053 specified in s. 1003.438, Florida Statutes, and in effect as of
3054 the effective date of this act. Any such student who meets all
3055 special requirements of the district school board in effect as
3056 of the effective date of this act, but who is unable to meet the
3057 appropriate special state minimum requirements in effect as of
3058 the effective date of this act, shall be awarded a special
3059 certificate of completion in a form prescribed by the
3060 Commissioner of Education.

3061 Section 29. Section 985.622, Florida Statutes, is amended
3062 to read:

3063 985.622 Multiagency plan for career and professional
3064 education (CAPE) ~~vocational education~~.

3065 (1) The Department of Juvenile Justice and the Department
3066 of Education shall, in consultation with the statewide Workforce
3067 Development Youth Council, school districts, providers, and
3068 others, jointly develop a multiagency plan for career and
3069 professional education (CAPE) ~~vocational education~~ that
3070 establishes the curriculum, goals, and outcome measures for CAPE
3071 vocational programs in juvenile justice education programs
3072 ~~commitment facilities~~. The plan must be reviewed annually,
3073 revised as appropriate, and include:

3074 (a) Provisions for maximizing appropriate state and federal

2014850er

3075 funding sources, including funds under the Workforce Investment
3076 Act and the Perkins Act.~~†~~

3077 (b) Provisions for eliminating barriers to increasing
3078 occupation-specific job training and high school equivalency
3079 examination preparation opportunities.

3080 (c)~~(b)~~ The responsibilities of both departments and all
3081 other appropriate entities.~~†~~ ~~and~~

3082 (d)~~(e)~~ A detailed implementation schedule.

3083 (2) The plan must define CAPE ~~vocational~~ programming that
3084 is appropriate based upon:

3085 (a) The age and assessed educational abilities and goals of
3086 the student ~~youth~~ to be served; and

3087 (b) The typical length of stay and custody characteristics
3088 at the juvenile justice education ~~commitment~~ program to which
3089 each student ~~youth~~ is assigned.

3090 (3) The plan must include a definition of CAPE ~~vocational~~
3091 programming that includes the following classifications of
3092 juvenile justice education programs ~~commitment facilities~~ that
3093 will offer CAPE ~~vocational~~ programming by one of the following
3094 types:

3095 (a) Type 1 A.—Programs that teach personal accountability
3096 skills and behaviors that are appropriate for students ~~youth~~ in
3097 all age groups and ability levels and that lead to work habits
3098 that help maintain employment and living standards.

3099 (b) Type 2 B.—Programs that include Type 1 A program
3100 content and an orientation to the broad scope of career choices,
3101 based upon personal abilities, aptitudes, and interests.

3102 Exploring and gaining knowledge of occupation options and the
3103 level of effort required to achieve them are essential

2014850er

3104 prerequisites to skill training.

3105 (c) Type 3 ~~C~~.—Programs that include Type 1 ~~A~~ program
3106 content and the ~~vocational~~ competencies or the prerequisites
3107 needed for entry into a specific occupation.

3108 (4) The plan must also address strategies to facilitate
3109 involvement of business and industry in the design, delivery,
3110 and evaluation of CAPE ~~vocational~~ programming in juvenile
3111 justice education ~~commitment facilities and conditional release~~
3112 programs, including apprenticeship and work experience programs,
3113 mentoring and job shadowing, and other strategies that lead to
3114 postrelease employment. Incentives for business involvement,
3115 such as tax breaks, bonding, and liability limits should be
3116 investigated, implemented where appropriate, or recommended to
3117 the Legislature for consideration.

3118 (5) The plan must also evaluate the effect of students'
3119 mobility between juvenile justice education programs and school
3120 districts on the students' educational outcomes and whether the
3121 continuity of the students' education can be better addressed
3122 through virtual education.

3123 (6)~~(5)~~ The Department of Juvenile Justice and the
3124 Department of Education shall each align its respective agency
3125 policies, practices, technical manuals, contracts, quality-
3126 assurance standards, performance-based-budgeting measures, and
3127 outcome measures with the plan in juvenile justice education
3128 programs ~~commitment facilities~~ by July 31, 2015 ~~2001~~. Each
3129 agency shall provide a report on the implementation of this
3130 section to the Governor, the President of the Senate, and the
3131 Speaker of the House of Representatives by August 31, 2015 ~~2001~~.

3132 (7)~~(6)~~ All provider contracts executed by the Department of

2014850er

3133 Juvenile Justice or the school districts after January 1, 2015
3134 ~~2002~~, must be aligned with the plan.

3135 (8)~~(7)~~ The planning and execution of quality assurance
3136 reviews conducted by the Department of Education or the
3137 Department of Juvenile Justice after August 1, 2015 ~~2002~~, must
3138 be aligned with the plan.

3139 (9)~~(8)~~ Outcome measures reported by the Department of
3140 Juvenile Justice and the Department of Education for students
3141 ~~youth~~ released on or after January 1, 2016 ~~2002~~, should include
3142 outcome measures that conform to the plan.

3143 Section 30. Section 1001.31, Florida Statutes, is amended
3144 to read:

3145 1001.31 Scope of district system.—A district school system
3146 shall include all public schools, classes, and courses of
3147 instruction and all services and activities directly related to
3148 education in that district which are under the direction of the
3149 district school officials. A district school system may also
3150 include alternative site schools for disruptive or violent
3151 students ~~youth~~. Such schools for disruptive or violent students
3152 ~~youth~~ may be funded by each district or provided through
3153 cooperative programs administered by a consortium of school
3154 districts, private providers, state and local law enforcement
3155 agencies, and the Department of Juvenile Justice. Pursuant to
3156 cooperative agreement, a district school system shall provide
3157 instructional personnel at juvenile justice facilities ~~of 50 or~~
3158 ~~more beds or slots~~ with access to the district school system
3159 database for the purpose of accessing student academic,
3160 immunization, and registration records for students assigned to
3161 the programs. Such access shall be in the same manner as

2014850er

3162 provided to other schools in the district.

3163 Section 31. Section 1003.51, Florida Statutes, is amended
3164 to read:

3165 1003.51 Other public educational services.—

3166 (1) The general control of other public educational
3167 services shall be vested in the State Board of Education except
3168 as provided in this section ~~herein~~. The State Board of Education
3169 shall, at the request of the Department of Children and Families
3170 ~~Family Services~~ and the Department of Juvenile Justice, advise
3171 as to standards and requirements relating to education to be met
3172 in all state schools or institutions under their control which
3173 provide educational programs. The Department of Education shall
3174 provide supervisory services for the educational programs of all
3175 such schools or institutions. The direct control of any of these
3176 services provided as part of the district program of education
3177 shall rest with the district school board. These services shall
3178 be supported out of state, district, federal, or other ~~lawful~~
3179 funds, depending on the requirements of the services being
3180 supported.

3181 (2) The State Board of Education shall adopt rules ~~and~~
3182 ~~maintain an administrative rule~~ articulating expectations for
3183 effective education programs for students ~~youth~~ in Department of
3184 Juvenile Justice programs, including, but not limited to,
3185 education programs in juvenile justice prevention, day
3186 treatment, residential, ~~commitment~~ and detention programs
3187 ~~facilities~~. The rule shall establish ~~articulate~~ policies and
3188 standards for education programs for students ~~youth~~ in
3189 Department of Juvenile Justice programs and shall include the
3190 following:

2014850er

3191 (a) The interagency collaborative process needed to ensure
3192 effective programs with measurable results.

3193 (b) The responsibilities of the Department of Education,
3194 the Department of Juvenile Justice, Workforce Florida, Inc.,
3195 district school boards, and providers of education services to
3196 students ~~youth~~ in Department of Juvenile Justice programs.

3197 (c) Academic expectations.

3198 (d) Career expectations.

3199 (e) Education transition planning and services.

3200 (f) ~~(d)~~ Service delivery options available to district
3201 school boards, including direct service and contracting.

3202 (g) ~~(e)~~ Assessment procedures, which:

3203 1. For prevention, day treatment, and residential programs,
3204 include appropriate academic and career assessments administered
3205 at program entry and exit that are selected by the Department of
3206 Education in partnership with representatives from the
3207 Department of Juvenile Justice, district school boards, and
3208 education providers. Assessments must be completed within the
3209 first 10 school days after a student's entry into the program.

3210 2. Provide for determination of the areas of academic need
3211 and strategies for appropriate intervention and instruction for
3212 each student in a detention facility within 5 school days after
3213 the student's entry into the program and administer a research-
3214 based assessment that will assist the student in determining his
3215 or her educational and career options and goals within 22 school
3216 days after the student's entry into the program ~~Require district~~
3217 ~~school boards to be responsible for ensuring the completion of~~
3218 ~~the assessment process.~~

3219 3. ~~Require assessments for students in detention who will~~

2014850er

3220 ~~move on to commitment facilities, to be designed to create the~~
3221 ~~foundation for developing the student's education program in the~~
3222 ~~assigned commitment facility.~~

3223 ~~4. Require assessments of students sent directly to~~
3224 ~~commitment facilities to be completed within the first 10 school~~
3225 ~~days of the student's commitment.~~

3226
3227 The results of these assessments, together with a portfolio
3228 depicting the student's academic and career accomplishments,
3229 shall be included in the discharge packet ~~package~~ assembled for
3230 each student ~~youth~~.

3231 (h) ~~(f)~~ Recommended instructional programs, including, but
3232 not limited to:r

3233 1. Secondary education.

3234 2. High school equivalency examination preparation.

3235 3. Postsecondary education.

3236 4. Career and professional education (CAPE). ~~career~~
3237 ~~training and~~

3238 5. Job preparation.

3239 6. Virtual education that:

3240 a. Provides competency-based instruction that addresses the
3241 unique academic needs of the student through delivery by an
3242 entity accredited by AdvanceED or the Southern Association of
3243 Colleges and Schools.

3244 b. Confers certifications and diplomas.

3245 c. Issues credit that articulates with and transcripts that
3246 are recognized by secondary schools.

3247 d. Allows the student to continue to access and progress
3248 through the program once the student leaves the juvenile justice

2014850er

3249 system.

3250 (i)~~(g)~~ Funding requirements, which shall include the
3251 requirement that at least 90 percent of the FEFP funds generated
3252 by students in Department of Juvenile Justice programs or in an
3253 education program for juveniles under s. 985.19 be spent on
3254 instructional costs for those students. One hundred percent of
3255 the formula-based categorical funds generated by students in
3256 Department of Juvenile Justice programs must be spent on
3257 appropriate categoricals such as instructional materials and
3258 public school technology for those students.

3259 (j)~~(h)~~ Qualifications of instructional staff, procedures
3260 for the selection of instructional staff, and procedures for to
3261 ~~ensure~~ consistent instruction and qualified staff year round.
3262 Qualifications shall include those for instructors of CAPE
3263 courses, standardized across the state, and shall be based on
3264 state certification, local school district approval, and
3265 industry-recognized certifications as identified on the Industry
3266 Certification Funding List. Procedures for the use of
3267 noncertified instructional personnel who possess expert
3268 knowledge or experience in their fields of instruction shall be
3269 established.

3270 (k)~~(i)~~ Transition services, including the roles and
3271 responsibilities of appropriate personnel in the juvenile
3272 justice education program, the school district where the student
3273 will reenter districts, provider organizations, and the
3274 Department of Juvenile Justice.

3275 (l)~~(j)~~ Procedures and timeframe for transfer of education
3276 records when a student youth enters and leaves a Department of
3277 Juvenile Justice education program facility.

2014850er

3278 (m)~~(k)~~ The requirement that each district school board
3279 maintain an academic transcript for each student enrolled in a
3280 juvenile justice education program ~~facility~~ that delineates each
3281 course completed by the student as provided by the State Course
3282 Code Directory.

3283 (n)~~(l)~~ The requirement that each district school board make
3284 available and transmit a copy of a student's transcript in the
3285 discharge packet when the student exits a juvenile justice
3286 education program ~~facility~~.

3287 (o)~~(m)~~ Contract requirements.

3288 (p)~~(n)~~ Performance expectations for providers and district
3289 school boards, including student performance measures by type of
3290 program, education program performance ratings, school
3291 improvement, and corrective action plans for low-performing
3292 programs ~~the provision of a progress monitoring plan as required~~
3293 ~~in s. 1008.25.~~

3294 (q)~~(o)~~ The role and responsibility of the district school
3295 board in securing workforce development funds.

3296 (r)~~(p)~~ A series of graduated sanctions for district school
3297 boards whose educational programs in Department of Juvenile
3298 Justice programs ~~facilities~~ are considered to be unsatisfactory
3299 and for instances in which district school boards fail to meet
3300 standards prescribed by law, rule, or State Board of Education
3301 policy. These sanctions shall include the option of requiring a
3302 district school board to contract with a provider or another
3303 district school board if the educational program at the
3304 Department of Juvenile Justice program is performing below
3305 minimum standards ~~facility has failed a quality assurance review~~
3306 and, after 6 months, is still performing below minimum

2014850er

3307 standards.

3308 (s) Curriculum, guidance counseling, transition, and
3309 education services expectations, including curriculum
3310 flexibility for detention centers operated by the Department of
3311 Juvenile Justice.

3312 (t) ~~(q)~~ Other aspects of program operations.

3313 (3) The Department of Education in partnership with the
3314 Department of Juvenile Justice, the district school boards, and
3315 providers shall:

3316 (a) Develop and implement requirements for contracts and
3317 cooperative agreements regarding ~~Maintain model contracts for~~
3318 ~~the delivery of appropriate education services to~~ students youth
3319 ~~in Department of Juvenile Justice education programs to be used~~
3320 ~~for the development of future contracts.~~ The minimum contract
3321 requirements shall include, but are not limited to, payment
3322 structure and amounts; access to district services; contract
3323 management provisions; data reporting requirements, including
3324 reporting of full-time equivalent student membership;
3325 administration of federal programs such as Title I, exceptional
3326 student education, and the Carl D. Perkins Career and Technical
3327 Education Act of 2006; and ~~model contracts shall reflect the~~
3328 ~~policy and standards included in subsection (2). The Department~~
3329 ~~of Education shall ensure that appropriate district school board~~
3330 ~~personnel are trained and held accountable for the management~~
3331 ~~and monitoring of contracts for education programs for youth in~~
3332 ~~juvenile justice residential and nonresidential facilities.~~

3333 (b) Develop and implement ~~Maintain model~~ procedures for
3334 transitioning students youth into and out of Department of
3335 Juvenile Justice education programs. These procedures shall

2014850er

3336 reflect the policy and standards adopted pursuant to subsection
3337 (2).

3338 (c) Maintain standardized required content of education
3339 records to be included as part of a student's youth's commitment
3340 record and procedures for securing the student's records. The
3341 education records ~~These requirements shall reflect the policy~~
3342 ~~and standards adopted pursuant to subsection (2) and shall~~
3343 include, but not be limited to, the following:

3344 1. A copy of the student's individual educational plan.

3345 2. A copy of the student's individualized progress
3346 monitoring plan.

3347 3. A copy of the student's individualized transition plan.

3348 ~~4.2.~~ Data on student performance on assessments taken
3349 according to s. 1008.22.

3350 ~~5.3.~~ A copy of the student's permanent cumulative record.

3351 ~~6.4.~~ A copy of the student's academic transcript.

3352 ~~7.5.~~ A portfolio reflecting the student's youth's academic
3353 accomplishments and industry certification earned, when age
3354 appropriate, while in the Department of Juvenile Justice
3355 program.

3356 (d) ~~Establish~~ Maintain ~~model procedures for securing the~~
3357 ~~education record and~~ the roles and responsibilities of the
3358 juvenile probation officer and others involved in the withdrawal
3359 of the student from school and assignment to a juvenile justice
3360 education program ~~commitment or detention facility. District~~
3361 ~~school boards shall respond to requests for student education~~
3362 ~~records received from another district school board or a~~
3363 ~~juvenile justice facility within 5 working days after receiving~~
3364 ~~the request.~~

2014850er

3365 (4) ~~Each~~ The Department of Education shall ensure that
3366 district school board shall: ~~boards~~

3367 (a) Notify students in juvenile justice education programs
3368 ~~residential or nonresidential facilities~~ who attain the age of
3369 16 years of the ~~provisions of~~ law regarding compulsory school
3370 attendance and make available the option of enrolling in an
3371 education a program to attain a Florida high school diploma by
3372 taking the high school equivalency examination before ~~General~~
3373 ~~Educational Development test prior to release from the~~ program
3374 ~~facility.~~ The Department of Education shall assist juvenile
3375 justice education programs with becoming high school equivalency
3376 examination centers ~~District school boards or Florida College~~
3377 ~~System institutions, or both, shall waive GED testing fees for~~
3378 ~~youth in Department of Juvenile Justice residential programs and~~
3379 ~~shall, upon request, designate schools operating for the purpose~~
3380 ~~of providing educational services to youth in Department of~~
3381 ~~Juvenile Justice programs as GED testing centers, subject to GED~~
3382 ~~testing center requirements. The administrative fees for the~~
3383 ~~General Educational Development test required by the Department~~
3384 ~~of Education are the responsibility of district school boards~~
3385 ~~and may be required of providers by contractual agreement.~~

3386 (b) Respond to requests for student education records
3387 received from another district school board or a juvenile
3388 justice education program within 5 working days after receiving
3389 the request.

3390 (c) Provide access to courses offered pursuant to ss.
3391 1002.37, 1002.45, and 1003.498. School districts and providers
3392 may enter into cooperative agreements for the provision of
3393 curriculum associated with courses offered pursuant to s.

2014850er

3394 1003.498 to enable providers to offer such courses.

3395 (d) Complete the assessment process required by subsection
3396 (2).

3397 (e) Monitor compliance with contracts for education
3398 programs for students in juvenile justice prevention, day
3399 treatment, residential, and detention programs.

3400 (5) The Department of Education shall establish and
3401 operate, either directly or indirectly through a contract, a
3402 mechanism to provide accountability measures that annually
3403 assesses and evaluates all juvenile justice education programs
3404 using student performance data and program performance ratings
3405 by type of program ~~quality assurance reviews of all juvenile~~
3406 ~~justice education programs~~ and shall provide technical
3407 assistance and related research to district school boards and
3408 juvenile justice education providers ~~on how to establish,~~
3409 ~~develop, and operate educational programs that exceed the~~
3410 ~~minimum quality assurance standards.~~ The Department of
3411 Education, with input from the Department of Juvenile Justice,
3412 school districts, and education providers shall develop annual
3413 recommendations for system and school improvement.

3414 Section 32. Section 1003.52, Florida Statutes, is amended
3415 to read:

3416 1003.52 Educational services in Department of Juvenile
3417 Justice programs.—

3418 ~~(1) The Legislature finds that education is the single most~~
3419 ~~important factor in the rehabilitation of adjudicated delinquent~~
3420 ~~youth in the custody of Department of Juvenile Justice programs.~~
3421 ~~It is the goal of the Legislature that youth in the juvenile~~
3422 ~~justice system continue to be allowed the opportunity to obtain~~

2014850er

3423 ~~a high quality education.~~ The Department of Education shall
3424 serve as the lead agency for juvenile justice education
3425 programs, curriculum, support services, and resources. To this
3426 end, the Department of Education and the Department of Juvenile
3427 Justice shall each designate a Coordinator for Juvenile Justice
3428 Education Programs to serve as the point of contact for
3429 resolving issues not addressed by district school boards and to
3430 provide each department's participation in the following
3431 activities:

3432 (a) Training, collaborating, and coordinating with ~~the~~
3433 ~~Department of Juvenile Justice,~~ district school boards, regional
3434 workforce boards, and local youth councils, educational contract
3435 providers, and juvenile justice providers, whether state
3436 operated or contracted.

3437 (b) Collecting information on the academic, career and
3438 professional education (CAPE), and transition performance of
3439 students in juvenile justice programs and reporting on the
3440 results.

3441 (c) Developing academic and CAPE ~~career~~ protocols that
3442 provide guidance to district school boards and juvenile justice
3443 education providers in all aspects of education programming,
3444 including records transfer and transition.

3445 (d) Implementing a joint accountability, program
3446 performance, and program improvement process ~~Prescribing the~~
3447 ~~roles of program personnel and interdepartmental district school~~
3448 ~~board or provider collaboration strategies.~~

3449
3450 Annually, a cooperative agreement and plan for juvenile justice
3451 education service enhancement shall be developed between the

2014850er

3452 Department of Juvenile Justice and the Department of Education
3453 and submitted to the Secretary of Juvenile Justice and the
3454 Commissioner of Education by June 30. The plan shall include, at
3455 a minimum, each agency's role regarding educational program
3456 accountability, technical assistance, training, and coordination
3457 of services.

3458 (2) Students participating in Department of Juvenile
3459 Justice education programs pursuant to chapter 985 which are
3460 sponsored by a community-based agency or are operated or
3461 contracted for by the Department of Juvenile Justice shall
3462 receive education ~~educational~~ programs according to rules of the
3463 State Board of Education. These students shall be eligible for
3464 services afforded to students enrolled in programs pursuant to
3465 s. 1003.53 and all corresponding State Board of Education rules.

3466 (3) The district school board of the county in which the
3467 juvenile justice education prevention, day treatment,
3468 residential, or detention program ~~residential or nonresidential~~
3469 ~~care facility or juvenile assessment facility~~ is located shall
3470 provide or contract for appropriate educational assessments and
3471 an appropriate program of instruction and special education
3472 services.

3473 (a) The district school board shall make provisions for
3474 each student to participate in basic, CAPE ~~career education~~, and
3475 exceptional student programs as appropriate. Students served in
3476 Department of Juvenile Justice education programs shall have
3477 access to the appropriate courses and instruction to prepare
3478 them for the high school equivalency examination ~~GED test~~.
3479 Students participating in high school equivalency examination
3480 ~~GED~~ preparation programs shall be funded at the basic program

2014850er

3481 cost factor for Department of Juvenile Justice programs in the
3482 Florida Education Finance Program. Each program shall be
3483 conducted according to applicable law providing for the
3484 operation of public schools and rules of the State Board of
3485 Education. School districts shall provide the high school
3486 equivalency examination ~~GED~~ exit option for all juvenile justice
3487 education programs.

3488 (b) ~~By October 1, 2004,~~ The Department of Education, with
3489 the assistance of the school districts and juvenile justice
3490 education providers, shall select a common student assessment
3491 instrument and protocol for measuring student learning gains and
3492 student progression while a student is in a juvenile justice
3493 education program. The Department of Education and the
3494 Department of Juvenile Justice shall jointly review the
3495 effectiveness of this assessment and implement changes as
3496 necessary ~~The assessment instrument and protocol must be~~
3497 ~~implemented in all juvenile justice education programs in this~~
3498 ~~state by January 1, 2005.~~

3499 (4) Educational services shall be provided at times of the
3500 day most appropriate for the juvenile justice program. School
3501 programming in juvenile justice detention, prevention, day
3502 treatment, and residential ~~commitment, and rehabilitation~~
3503 programs shall be made available by the local school district
3504 during the juvenile justice school year, as provided ~~defined~~ in
3505 s. 1003.01(11). In addition, students in juvenile justice
3506 education programs shall have access to courses offered pursuant
3507 to ss. 1002.37, 1002.45, and 1003.498 ~~Florida Virtual School~~
3508 ~~courses~~. The Department of Education and the school districts
3509 shall adopt policies necessary to provide ~~ensure~~ such access.

2014850er

3510 (5) The educational program shall provide instruction based
3511 on each student's individualized transition plan, assessed
3512 educational needs, and the education programs available in the
3513 school district in which the student will return. Depending on
3514 the student's needs, educational programming may consist of
3515 remedial courses, ~~consist of appropriate basic~~ academic courses
3516 required for grade advancement, CAPE courses, high school
3517 equivalency examination preparation ~~career~~, or exceptional
3518 student education curricula and related services which support
3519 the transition ~~treatment~~ goals and reentry and which may lead to
3520 completion of the requirements for receipt of a high school
3521 diploma or its equivalent. Prevention and day treatment juvenile
3522 justice education programs, at a minimum, shall provide career
3523 readiness and exploration opportunities as well as truancy and
3524 dropout prevention intervention services. Residential juvenile
3525 justice education programs with a contracted minimum length of
3526 stay of 9 months shall provide CAPE courses that lead to
3527 preapprentice certifications and industry certifications.
3528 Programs with contracted lengths of stay of less than 9 months
3529 may provide career education courses that lead to preapprentice
3530 certifications and CAPE industry certifications. If the duration
3531 of a program is less than 40 days, the educational component may
3532 be limited to tutorial remediation activities, ~~and~~ career
3533 employability skills instruction, education counseling, and
3534 transition services that prepare students for a return to
3535 school, the community, and their home settings based on the
3536 students' needs.

3537 (6) Participation in the program by students of compulsory
3538 school-attendance age as provided for in s. 1003.21 shall be

2014850er

3539 mandatory. All students of noncompulsory school-attendance age
3540 who have not received a high school diploma or its equivalent
3541 shall participate in the educational program, unless the student
3542 files a formal declaration of his or her intent to terminate
3543 school enrollment as described in s. 1003.21 and is afforded the
3544 opportunity to take the general educational development test and
3545 attain a Florida high school diploma before ~~prior to~~ release
3546 from a juvenile justice education program facility. A student
3547 ~~youth~~ who has received a high school diploma or its equivalent
3548 and is not employed shall participate in workforce development
3549 or other CAPE ~~career or technical~~ education or Florida College
3550 System institution or university courses while in the program,
3551 subject to available funding.

3552 (7) An individualized ~~A~~ progress monitoring plan shall be
3553 developed for all students not classified as exceptional
3554 education students upon entry in a juvenile justice education
3555 program and upon reentry in the school district ~~who score below~~
3556 ~~the level specified in district school board policy in reading,~~
3557 ~~writing, and mathematics or below the level specified by the~~
3558 ~~Commissioner of Education on statewide assessments as required~~
3559 ~~by s. 1008.25.~~ These plans shall address academic, literacy, and
3560 career and technical ~~life~~ skills and shall include provisions
3561 for intensive remedial instruction in the areas of weakness.

3562 (8) Each district school board shall maintain an academic
3563 record for each student enrolled in a juvenile justice education
3564 program ~~facility~~ as prescribed by s. 1003.51. Such record shall
3565 delineate each course completed by the student according to
3566 procedures in the State Course Code Directory. The district
3567 school board shall include a copy of a student's academic record

2014850er

3568 in the discharge packet when the student exits the program
3569 facility.

3570 (9) ~~Each~~ ~~The Department of Education shall ensure that all~~
3571 district school board shall ~~boards~~ make provisions for high
3572 school level students ~~youth~~ to earn credits toward high school
3573 graduation while in residential and nonresidential juvenile
3574 justice education programs ~~facilities~~. Provisions must be made
3575 for the transfer of credits and partial credits earned.

3576 (10) School districts and juvenile justice education
3577 providers shall develop individualized transition plans during
3578 the course of a student's stay in a juvenile justice education
3579 program to coordinate academic, career and technical, and
3580 secondary and postsecondary services that assist the student in
3581 successful community reintegration upon release. Development of
3582 the transition plan shall be a collaboration of the personnel in
3583 the juvenile justice education program, reentry personnel,
3584 personnel from the school district where the student will
3585 return, the student, the student's family, and Department of
3586 Juvenile Justice personnel for committed students.

3587 (a) Transition planning must begin upon a student's
3588 placement in the program. The transition plan must include, at a
3589 minimum:

3590 1. Services and interventions that address the student's
3591 assessed educational needs and postrelease education plans.

3592 2. Services to be provided during the program stay and
3593 services to be implemented upon release, including, but not
3594 limited to, continuing education in secondary school, CAPE
3595 programs, postsecondary education, or employment, based on the
3596 student's needs.

2014850er

3597 3. Specific monitoring responsibilities to determine
3598 whether the individualized transition plan is being implemented
3599 and the student is provided access to support services that will
3600 sustain the student's success by individuals who are responsible
3601 for the reintegration and coordination of these activities.

3602 (b) For the purpose of transition planning and reentry
3603 services, representatives from the school district and the one
3604 stop center where the student will return shall participate as
3605 members of the local Department of Juvenile Justice reentry
3606 teams. The school district, upon return of a student from a
3607 juvenile justice education program, must consider the individual
3608 needs and circumstances of the student and the transition plan
3609 recommendations when reenrolling a student in a public school. A
3610 local school district may not maintain a standardized policy for
3611 all students returning from a juvenile justice program but place
3612 students based on their needs and their performance in the
3613 juvenile justice education program, including any virtual
3614 education options.

3615 (c) The Department of Education and the Department of
3616 Juvenile Justice shall provide oversight and guidance to school
3617 districts, education providers, and reentry personnel on how to
3618 implement effective educational transition planning and
3619 services.

3620 (11)~~(10)~~ The district school board shall recruit and train
3621 teachers who are interested, qualified, or experienced in
3622 educating students in juvenile justice programs. Students in
3623 juvenile justice programs shall be provided a wide range of
3624 education ~~educational~~ programs and opportunities including
3625 textbooks, technology, instructional support, and other

2014850er

3626 resources commensurate with resources provided ~~available~~ to
3627 students in public schools, including textbooks and access to
3628 technology. If the district school board operates a juvenile
3629 justice education program at a juvenile justice facility, the
3630 district school board, in consultation with the director of the
3631 juvenile justice facility, shall select the instructional
3632 personnel assigned to that program. The Secretary of Juvenile
3633 Justice or the director of a juvenile justice program may
3634 request that the performance of a teacher assigned by the
3635 district to a juvenile justice education program be reviewed by
3636 the district and that the teacher be reassigned based upon an
3637 evaluation conducted pursuant to s. 1012.34 or for inappropriate
3638 behavior ~~Teachers assigned to educational programs in juvenile~~
3639 ~~justice settings in which the district school board operates the~~
3640 ~~educational program shall be selected by the district school~~
3641 ~~board in consultation with the director of the juvenile justice~~
3642 ~~facility. Educational programs in Juvenile justice~~ education
3643 programs ~~facilities~~ shall have access to the substitute teacher
3644 pool used ~~utilized~~ by the district school board.

3645 (12) ~~(11)~~ District school boards may contract with a private
3646 provider for the provision of education ~~educational~~ programs to
3647 students ~~youths~~ placed with the Department of Juvenile Justice
3648 and shall generate local, state, and federal funding, including
3649 funding through the Florida Education Finance Program for such
3650 students. The district school board's planning and budgeting
3651 process shall include the needs of Department of Juvenile
3652 Justice education programs in the district school board's plan
3653 for expenditures for state categorical and federal funds.

3654 (13) ~~(12)~~ (a) Funding for eligible students enrolled in

2014850er

3655 juvenile justice education programs shall be provided through
3656 the Florida Education Finance Program as provided in s. 1011.62
3657 and the General Appropriations Act. Funding shall include, at a
3658 minimum:

3659 1. Weighted program funding or the basic amount for current
3660 operation multiplied by the district cost differential as
3661 provided in s. 1011.62(2) ~~s. 1011.62(1)(s) and (2)~~;

3662 2. The supplemental allocation for juvenile justice
3663 education as provided in s. 1011.62(10);

3664 3. A proportionate share of the district's exceptional
3665 student education guaranteed allocation, the supplemental
3666 academic instruction allocation, and the instructional materials
3667 allocation;

3668 4. An amount equivalent to the proportionate share of the
3669 state average potential discretionary local effort for
3670 operations, which shall be determined as follows:

3671 a. If the district levies the maximum discretionary local
3672 effort and the district's discretionary local effort per FTE is
3673 less than the state average potential discretionary local effort
3674 per FTE, the proportionate share shall include both the
3675 discretionary local effort and the compression supplement per
3676 FTE. If the district's discretionary local effort per FTE is
3677 greater than the state average per FTE, the proportionate share
3678 shall be equal to the state average; or

3679 b. If the district does not levy the maximum discretionary
3680 local effort and the district's actual discretionary local
3681 effort per FTE is less than the state average potential
3682 discretionary local effort per FTE, the proportionate share
3683 shall be equal to the district's actual discretionary local

2014850er

3684 effort per FTE. If the district's actual discretionary local
3685 effort per FTE is greater than the state average per FTE, the
3686 proportionate share shall be equal to the state average
3687 potential local effort per FTE; and

3688 5. A proportionate share of the district's proration to
3689 funds available, if necessary.

3690 (b) Juvenile justice education ~~educational~~ programs to
3691 receive the appropriate FEFP funding for Department of Juvenile
3692 Justice education programs shall include those operated through
3693 a contract with the Department of Juvenile Justice ~~and which are~~
3694 ~~under purview of the Department of Juvenile Justice quality~~
3695 ~~assurance standards for education.~~

3696 (c) Consistent with the rules of the State Board of
3697 Education, district school boards shall ~~are required to~~ request
3698 an alternative FTE survey for Department of Juvenile Justice
3699 education programs experiencing fluctuations in student
3700 enrollment.

3701 (d) FTE count periods shall be prescribed in rules of the
3702 State Board of Education and shall be the same for programs of
3703 the Department of Juvenile Justice as for other public school
3704 programs. The summer school period for students in Department of
3705 Juvenile Justice education programs shall begin on the day
3706 immediately following the end of the regular school year and end
3707 on the day immediately preceding the subsequent regular school
3708 year. Students shall be funded for no more than 25 hours per
3709 week of direct instruction.

3710 (e) Each juvenile justice education program must receive
3711 all federal funds for which the program is eligible.

3712 (14) ~~(13)~~ Each district school board shall negotiate a

2014850er

3713 cooperative agreement with the Department of Juvenile Justice on
3714 the delivery of educational services to students ~~youths~~ under
3715 the jurisdiction of the Department of Juvenile Justice. Such
3716 agreement must include, but is not limited to:

3717 (a) Roles and responsibilities of each agency, including
3718 the roles and responsibilities of contract providers.

3719 (b) Administrative issues including procedures for sharing
3720 information.

3721 (c) Allocation of resources including maximization of
3722 local, state, and federal funding.

3723 (d) Procedures for educational evaluation for educational
3724 exceptionalities and special needs.

3725 (e) Curriculum and delivery of instruction.

3726 (f) Classroom management procedures and attendance
3727 policies.

3728 (g) Procedures for provision of qualified instructional
3729 personnel, whether supplied by the district school board or
3730 provided under contract by the provider, and for performance of
3731 duties while in a juvenile justice setting.

3732 (h) Provisions for improving skills in teaching and working
3733 with students referred to juvenile justice education programs
3734 ~~delinquents~~.

3735 (i) Transition plans for students moving into and out of
3736 juvenile justice education programs ~~facilities~~.

3737 (j) Procedures and timelines for the timely documentation
3738 of credits earned and transfer of student records.

3739 (k) Methods and procedures for dispute resolution.

3740 (l) Provisions for ensuring the safety of education
3741 personnel and support for the agreed-upon education program.

2014850er

3742 (m) Strategies for correcting any deficiencies found
3743 through the accountability and evaluation system and student
3744 performance measures ~~quality assurance process~~.

3745 ~~(15)-(14)~~ Nothing in this section or in a cooperative
3746 agreement requires ~~shall be construed to require~~ the district
3747 school board to provide more services than can be supported by
3748 the funds generated by students in the juvenile justice
3749 programs.

3750 ~~(16)-(15)-(a)~~ The Department of Education, in consultation
3751 with the Department of Juvenile Justice, district school boards,
3752 and providers, shall adopt rules establishing: ~~establish~~

3753 (a) Objective and measurable student performance measures
3754 to evaluate a student's educational progress while participating
3755 in a prevention, day treatment, or residential program. The
3756 student performance measures must be based on appropriate
3757 outcomes for all students in juvenile justice education
3758 programs, taking into consideration the student's length of stay
3759 in the program. Performance measures shall include outcomes that
3760 relate to student achievement of career education goals,
3761 acquisition of employability skills, receipt of a high school
3762 diploma or its equivalent, grade advancement, and the number of
3763 CAPE industry certifications earned.

3764 (b) A performance rating system to be used by the
3765 Department of Education to evaluate quality assurance standards
3766 ~~for~~ the delivery of educational services within each of the
3767 juvenile justice programs. The performance rating shall be
3768 primarily based on data regarding student performance as
3769 described in paragraph (a) ~~component of residential and~~
3770 ~~nonresidential juvenile justice facilities.~~

2014850er

3771 (c) The timeframes, procedures, and resources to be used to
3772 improve a low-rated educational program or to terminate or
3773 reassign the program ~~These standards shall rate the district~~
3774 ~~school board's performance both as a provider and contractor.~~
3775 ~~The quality assurance rating for the educational component shall~~
3776 ~~be disaggregated from the overall quality assurance score and~~
3777 ~~reported separately.~~

3778 (d) ~~(b)~~ The Department of Education, in partnership with the
3779 Department of Juvenile Justice, shall develop a comprehensive
3780 accountability and program improvement ~~quality assurance review~~
3781 ~~process. The accountability and program improvement process~~
3782 shall be based on student performance measures by type of
3783 program and shall rate education program performance. The
3784 accountability system shall identify and recognize high-
3785 performing education programs. The Department of Education, in
3786 partnership with the Department of Juvenile Justice, shall
3787 identify low-performing programs. Low-performing education
3788 programs shall receive an onsite program evaluation from the
3789 Department of Juvenile Justice. School improvement, technical
3790 assistance, or the reassignment of the program shall be based,
3791 in part, on the results of the program evaluation. Through a
3792 corrective action process, low-performing programs must
3793 demonstrate improvement or reassign the program ~~and schedule for~~
3794 ~~the evaluation of the educational component in juvenile justice~~
3795 ~~programs. The Department of Juvenile Justice quality assurance~~
3796 ~~site visit and the education quality assurance site visit shall~~
3797 ~~be conducted during the same visit.~~

3798 ~~(e) The Department of Education, in consultation with~~
3799 ~~district school boards and providers, shall establish minimum~~

2014850er

3800 ~~thresholds for the standards and key indicators for educational~~
3801 ~~programs in juvenile justice facilities. If a district school~~
3802 ~~board fails to meet the established minimum standards, it will~~
3803 ~~be given 6 months to achieve compliance with the standards. If~~
3804 ~~after 6 months, the district school board's performance is still~~
3805 ~~below minimum standards, the Department of Education shall~~
3806 ~~exercise sanctions as prescribed by rules adopted by the State~~
3807 ~~Board of Education. If a provider, under contract with the~~
3808 ~~district school board, fails to meet minimum standards, such~~
3809 ~~failure shall cause the district school board to cancel the~~
3810 ~~provider's contract unless the provider achieves compliance~~
3811 ~~within 6 months or unless there are documented extenuating~~
3812 ~~circumstances.~~

3813 ~~(d) The requirements in paragraphs (a), (b), and (c) shall~~
3814 ~~be implemented to the extent that funds are available.~~

3815 (17) The department, in collaboration with the Department
3816 of Juvenile Justice, shall collect data and report on
3817 commitment, day treatment, prevention, and detention programs.
3818 The report shall be submitted to the President of the Senate,
3819 the Speaker of the House of Representatives, and the Governor by
3820 February 1 of each year. The report must include, at a minimum:

3821 (a) The number and percentage of students who:

3822 1. Return to an alternative school, middle school, or high
3823 school upon release and the attendance rate of such students
3824 before and after participation in juvenile justice education
3825 programs.

3826 2. Receive a standard high school diploma or a high school
3827 equivalency diploma.

3828 3. Receive industry certification.

2014850er

- 3829 4. Enroll in a postsecondary educational institution.
- 3830 5. Complete a juvenile justice education program without
- 3831 reoffending.
- 3832 6. Reoffend within 1 year after completion of a day
- 3833 treatment or residential commitment program.
- 3834 7. Remain employed 1 year after completion of a day
- 3835 treatment or residential commitment program.
- 3836 8. Demonstrate learning gains pursuant to paragraph (3) (b).
- 3837 (b) The following cost data for each juvenile justice
- 3838 education program:
- 3839 1. The amount of funding provided by district school boards
- 3840 to juvenile justice programs and the amount retained for
- 3841 administration, including documenting the purposes of such
- 3842 expenses.
- 3843 2. The status of the development of cooperative agreements.
- 3844 3. Recommendations for system improvement.
- 3845 4. Information on the identification of, and services
- 3846 provided to, exceptional students, to determine whether these
- 3847 students are properly reported for funding and are appropriately
- 3848 served.
- 3849 ~~(18)-(16)~~ The district school board shall not be charged any
- 3850 rent, maintenance, utilities, or overhead on such facilities.
- 3851 Maintenance, repairs, and remodeling of existing facilities
- 3852 shall be provided by the Department of Juvenile Justice.
- 3853 ~~(19)-(17)~~ When additional facilities are required, the
- 3854 district school board and the Department of Juvenile Justice
- 3855 shall agree on the appropriate site based on the instructional
- 3856 needs of the students. When the most appropriate site for
- 3857 instruction is on district school board property, a special

2014850er

3858 capital outlay request shall be made by the commissioner in
3859 accordance with s. 1013.60. When the most appropriate site is on
3860 state property, state capital outlay funds shall be requested by
3861 the Department of Juvenile Justice provided by s. 216.043 and
3862 shall be submitted as specified by s. 216.023. Any instructional
3863 facility to be built on state property shall have educational
3864 specifications jointly developed by the district school board
3865 and the Department of Juvenile Justice and approved by the
3866 Department of Education. The size of space and occupant design
3867 capacity criteria as provided by State Board of Education rules
3868 shall be used for remodeling or new construction whether
3869 facilities are provided on state property or district school
3870 board property.

3871 (20)~~(18)~~ The parent of an exceptional student shall have
3872 the due process rights provided for in this chapter.

3873 ~~(19) The Department of Education and the Department of~~
3874 ~~Juvenile Justice, after consultation with and assistance from~~
3875 ~~local providers and district school boards, shall report~~
3876 ~~annually to the Legislature by February 1 on the progress toward~~
3877 ~~developing effective educational programs for juvenile~~
3878 ~~delinquents, including the amount of funding provided by~~
3879 ~~district school boards to juvenile justice programs, the amount~~
3880 ~~retained for administration including documenting the purposes~~
3881 ~~for such expenses, the status of the development of cooperative~~
3882 ~~agreements, the results of the quality assurance reviews~~
3883 ~~including recommendations for system improvement, and~~
3884 ~~information on the identification of, and services provided to,~~
3885 ~~exceptional students in juvenile justice commitment facilities~~
3886 ~~to determine whether these students are properly reported for~~

2014850er

3887 ~~funding and are appropriately served.~~

3888 ~~(21)(20)~~ The education ~~educational~~ programs at ~~the Arthur~~
3889 ~~Dozier School for Boys in Jackson County~~ and the Florida School
3890 for Boys in Okeechobee shall be operated by the Department of
3891 Education, either directly or through grants or contractual
3892 agreements with other public or duly accredited education
3893 agencies approved by the Department of Education.

3894 ~~(22)(21)~~ The State Board of Education shall ~~may~~ adopt any
3895 rules necessary to implement ~~the provisions of~~ this section,
3896 ~~including uniform curriculum, funding, and second chance~~
3897 ~~schools~~. Such rules must require the minimum amount of paperwork
3898 and reporting.

3899 ~~(23)(22)~~ The Department of Juvenile Justice and the
3900 Department of Education, in consultation with Workforce Florida,
3901 Inc., the statewide Workforce Development Youth Council,
3902 district school boards, Florida College System institutions,
3903 providers, and others, shall jointly develop a multiagency plan
3904 for CAPE ~~career education~~ which describes the funding,
3905 curriculum, transfer of credits, goals, and outcome measures for
3906 career education programming in juvenile commitment facilities,
3907 pursuant to s. 985.622. The plan must be reviewed annually.

3908 Section 33. Subsection (4) of section 1003.4282, Florida
3909 Statutes, is amended, and present subsection (10) of section
3910 1003.4282, Florida Statutes, is renumbered as subsection (11),
3911 and a new subsection (10) is added to that section, to read:

3912 1003.4282 Requirements for a standard high school diploma.—

3913 (4) ONLINE COURSE REQUIREMENT. ~~Excluding a driver education~~
3914 ~~course~~, At least one course within the 24 credits required under
3915 this section must be completed through online learning. A school

2014850er

3916 district may not require a student to take the online course
3917 outside the school day or in addition to a student's courses for
3918 a given semester. An online course taken in grade 6, grade 7, or
3919 grade 8 fulfills this requirement. This requirement is met
3920 through an online course offered by the Florida Virtual School,
3921 a virtual education provider approved by the State Board of
3922 Education, a high school, or an online dual enrollment course. A
3923 student who is enrolled in a full-time or part-time virtual
3924 instruction program under s. 1002.45 meets this requirement.
3925 This requirement does not apply to a student who has an
3926 individual education plan under s. 1003.57 which indicates that
3927 an online course would be inappropriate or to an out-of-state
3928 transfer student who is enrolled in a Florida high school and
3929 has 1 academic year or less remaining in high school.

3930 (10) STUDENTS WITH DISABILITIES.—Beginning with students
3931 entering grade 9 in the 2014-2015 school year, this subsection
3932 applies to a student with a disability.

3933 (a) A parent of the student with a disability shall, in
3934 collaboration with the individual education plan (IEP) team
3935 during the transition planning process pursuant to s. 1003.5716,
3936 declare an intent for the student to graduate from high school
3937 with either a standard high school diploma or a certificate of
3938 completion. A student with a disability who does not satisfy the
3939 standard high school diploma requirements pursuant to this
3940 section shall be awarded a certificate of completion.

3941 (b) The following options, in addition to the other options
3942 specified in this section, may be used to satisfy the standard
3943 high school diploma requirements, as specified in the student's
3944 individual education plan:

2014850er

3945 1. For a student with a disability for whom the IEP team
3946 has determined that the Florida Alternate Assessment is the most
3947 appropriate measure of the student's skills:

3948 a. A combination of course substitutions, assessments,
3949 industry certifications, other acceleration options, or
3950 occupational completion points appropriate to the student's
3951 unique skills and abilities that meet the criteria established
3952 by State Board of Education rule.

3953 b. A portfolio of quantifiable evidence that documents a
3954 student's mastery of academic standards through rigorous metrics
3955 established by State Board of Education rule. A portfolio may
3956 include, but is not limited to, documentation of work
3957 experience, internships, community service, and postsecondary
3958 credit.

3959 2. For a student with a disability for whom the IEP team
3960 has determined that mastery of academic and employment
3961 competencies is the most appropriate way for a student to
3962 demonstrate his or her skills:

3963 a. Documented completion of the minimum high school
3964 graduation requirements, including the number of course credits
3965 prescribed by rules of the State Board of Education.

3966 b. Documented achievement of all annual goals and short-
3967 term objectives for academic and employment competencies,
3968 industry certifications, and occupational completion points
3969 specified in the student's transition plan. The documentation
3970 must be verified by the IEP team.

3971 c. Documented successful employment for the number of hours
3972 per week specified in the student's transition plan, for the
3973 equivalent of 1 semester, and payment of a minimum wage in

2014850er

3974 compliance with the requirements of the federal Fair Labor
3975 Standards Act.

3976 d. Documented mastery of the academic and employment
3977 competencies, industry certifications, and occupational
3978 completion points specified in the student's transition plan.
3979 The documentation must be verified by the IEP team, the
3980 employer, and the teacher. The transition plan must be developed
3981 and signed by the student, parent, teacher, and employer before
3982 placement in employment and must identify the following:

3983 (I) The expected academic and employment competencies,
3984 industry certifications, and occupational completion points;

3985 (II) The criteria for determining and certifying mastery of
3986 the competencies;

3987 (III) The work schedule and the minimum number of hours to
3988 be worked per week; and

3989 (IV) A description of the supervision to be provided by the
3990 school district.

3991 3. Any change to the high school graduation option
3992 specified in the student's IEP must be approved by the parent
3993 and is subject to verification for appropriateness by an
3994 independent reviewer selected by the parent as provided in s.
3995 1003.572.

3996 (c) A student with a disability who meets the standard high
3997 school diploma requirements in this section may defer the
3998 receipt of a standard high school diploma if the student:

3999 1. Has an individual education plan that prescribes special
4000 education, transition planning, transition services, or related
4001 services through age 21; and

4002 2. Is enrolled in accelerated college credit instruction

2014850er

4003 pursuant to s. 1007.27, industry certification courses that lead
4004 to college credit, a collegiate high school program, courses
4005 necessary to satisfy the Scholar designation requirements, or a
4006 structured work-study, internship, or preapprenticeship program.

4007 (d) A student with a disability who receives a certificate
4008 of completion and has an individual education plan that
4009 prescribes special education, transition planning, transition
4010 services, or related services through 21 years of age may
4011 continue to receive the specified instruction and services.

4012 (e) Any waiver of the statewide, standardized assessment
4013 requirements by the individual education plan team, pursuant to
4014 s. 1008.22(3)(c), must be approved by the parent and is subject
4015 to verification for appropriateness by an independent reviewer
4016 selected by the parent as provided for in s. 1003.572.

4017
4018 The State Board of Education shall adopt rules under ss.
4019 120.536(1) and 120.54 to implement this paragraph, including
4020 rules that establish the minimum requirements for students
4021 described in this paragraph to earn a standard high school
4022 diploma. The State Board of Education shall adopt emergency
4023 rules pursuant to ss. 120.536(1) and 120.54.

4024 Section 34. If this act and CS/HB 7031, 2014 Regular
4025 Session, or similar legislation, are adopted in the same
4026 legislative session or an extension thereof and become law, and
4027 the respective provisions of such acts amending s. 1003.4282(4),
4028 Florida Statutes, differ, it is the intent of the Legislature
4029 that the amendments made by this act to s. 1003.4282(4), Florida
4030 Statutes, shall control over the language of CS/HB 7031, or
4031 similar legislation, regardless of the order in which they are

2014850er

4032 enacted.

4033 Section 35. Section 1003.4995, Florida Statutes, is created
4034 to read:

4035 1003.4995 Fine arts report.—The Commissioner of Education
4036 shall prepare an annual report that includes a description,
4037 based on annual reporting by schools, of student access to and
4038 participation in fine arts courses, which are visual arts,
4039 music, dance, and theatre courses; the number and certification
4040 status of educators providing instruction in the courses;
4041 educational facilities designed and classroom space equipped for
4042 fine arts instruction; and the manner in which schools are
4043 providing the core curricular content for fine arts established
4044 in the Next Generation Sunshine State Standards. The report
4045 shall be posted on the Department of Education's website and
4046 updated annually.

4047 Section 36. The Florida Agricultural and Mechanical
4048 University Crestview Education Center is renamed as the "Senator
4049 Durell Peaden, Jr., FAMU Educational Center."

4050 Section 37. Except as otherwise expressly provided in this
4051 act, this act shall take effect upon becoming a law.