

2015 Potential Education Law Repeals/Edits/Clarifications

Bill Section	STATUTE/PURPOSE	CHANGES UNDER BILL
1	<p>s. 90.6063(5), F.S. Identifies entities that provide interpreter services for deaf persons, including the Division of Vocational Rehabilitation (DVR) of the Department of Education. However, does not provide such services.</p>	<p>Amend – Replaces the DVR with The National Registry of Interpreters for the Deaf</p>
2	<p>s. 1001.42(18)(b)2., F.S. Requires schools that include any of the grades 6, 7, or 8 to implement an early warning system to identify students who need additional support to improve academic performance. The early warning system indicators include:</p> <ul style="list-style-type: none"> • Attendance below 90 percent • One or more suspensions • Course failure in English Language Arts (ELA) or mathematics • Level I score on the statewide standardized assessment in ELA or mathematics <p>When a student exhibits two or more early warning indicators the school's child study team or a school-based team must convene to determine appropriate intervention strategies for the student.</p>	<p>Amend – Requires that the two or more early warning indicators must occur during the same school or calendar year and clarifies the requirement to convene a child study team does not apply if the school has already developed a progress monitoring plan for the student or if a child study team has already convened under the attendance law.</p>
3	<p>s. 1001.43(14), F.S. Encourages district school boards to promote academic achievement by holding "Academic Scholarship Signing Day" to recognize high school seniors who have been awarded postsecondary academic scholarships.</p>	<p>Amend – Eliminates a specific date for the "Academic Scholarship Signing Day" and reiterates that the school board may adopt policies that make academic success and recognition visible to all students.</p>
4	<p>s. 1002.32(9), F.S. Provides that funding for a lab school, including a charter lab school, must be allocated its proportional share of operating funds from the Florida Education Finance Program (FEFP) based on the county in which the lab school is located and the General Appropriations Act (GAA). Establishes a Lab School Educational Facility Trust Fund for allocations of funds.</p>	<p>Repeal – Removes the Lab School Educational Facility Trust Fund</p> <p>The trust fund was never created by Department of Financial Services and is therefore not used by DOE or lab schools.</p>
5	<p>s. 1002.33(6)(b), F.S.</p>	<p>Repeal – Clarifies that a sponsor may</p>

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	Requires a sponsor to receive and review all applications for a charter school using an evaluation instrument developed by DOE. A sponsor must receive and consider charter school applications received on or before August 1. An applicant may submit a draft charter school application on or before May 1 with an application fee of \$500. If a draft application is timely submitted, the sponsor must review and provide feedback as to material deficiencies in the application by July 1. The applicant must then have until August 1 to resubmit a revised and final application. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application.	charge a draft application fee
6	s. 1002.331(4), F.S. Prohibits a high-performing charter school from increasing enrollment or expanding grade levels following any school year in which it receives a school grade of “C” or below. If the charter school receives a school grade of “C” or below in any 2 years during the term of the charter award, the term of the charter may be modified by the sponsor and the charter school loses its high-performing charter school status until it regains that status.	Repeal – Repeals an obsolete provision regarding high-performing charter school status.
7	s. 1002.37(3)(a)1. & 2., F.S. Provides calculation requirements for funding Florida Virtual School students in grades Kindergarten through 12.	Repeal – Removes duplicative provisions regarding FTE calculation for Florida Virtual School Students, which is otherwise provided in s. 1011.61(1)(c)1.b.(V), F.S.
8	s. 1002.395(6)(j)1., F.S. Allows SFOs to use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated for at least 2 state fiscal years and did not have any negative financial findings in its most recent audit. s. 1002.395(6)(l), F.S. Authorizes SFOs with prior approval of DOE to transfer funds to another eligible SFOs if additional funds are required to meet	Amend – Corrects inaccurate terminology. AG finds that “negative financial findings” is not accurate terminology for auditing purposes and suggests using “material weakness or materials noncompliance.” Amend – Corrects inaccurate

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	<p>scholarship demand at the receiving nonprofit scholarship-fund organization. All transferred amounts received by any SFO must be separately disclosed in the annual financial and compliance audit.</p> <p>s. 1002.395(16)(b), F.S. Requires that a SFO renewal application include a copy of the results of an annual financial audit of its account and records conducted by an independent certified public accountant.</p>	<p>terminology. Removes reference to compliance audit. The transferred funds would be clearly identified in the financial audit.</p> <p>Amend – Allows SFOs to provide the most current financial audit.</p>
9	<p>s. 1002.45(8), F.S. Provides that an approved virtual instruction provider that earns a grade of “D” or “F” or a school improvement rating of “Declining” must file a school improvement plan with DOE for consultation to determine the cause for low performance and to develop a plan for correction and improvement. A provider’s contract must be terminated if the provider receives a school grade of “D” or “F” or a school improvement rating of “Declining” for 2 years during any consecutive 4-year period.</p>	<p>Amend – Changes the word “Declining” to “Unsatisfactory” to reflect changes made to the school improvement rating statute during the 2014 session and makes termination provision consistent with charter school statute that requires termination after second consecutive “F”.. (SB 1642, <i>amending</i> s. 1008.341, F.S. (School improvement rating for alternative schools).</p>
10	<p>s. 1002.55(3)(k), F.S. Requires that each private prekindergarten provider obtain and maintain any required workers’ compensation insurance under chapter 400 (Nursing Home and Related Health Care Facilities) and any required reemployment assistance or unemployment compensation coverage under chapter 443 (Unemployment Compensation) in order to be eligible to deliver the prekindergarten program.</p>	<p>Amend - Provides that workers compensation and unemployment insurance requirements do not apply to private VPK providers if the provider is exempt under state or federal law.</p>
11	<p>s. 1002.67(3), F.S. Requires each private prekindergarten provider and public school in the VPK program to implement an evidence-based pre- and post-assessment that has been approved by rule of the SBE. The pre- and post-assessment must be administered by individuals meeting requirements established by rule of the SBE.</p>	<p>Amend – Clarifies that the Office of Early Learning (OEL), instead of the State Board of Education, approves the pre- and post-assessments and establishes the requirements for administering such assessments.</p>
12	<p>s. 1002.69(1), F.S.</p>	<p>Amend – Changes the assessment</p>

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	Requires DOE to adopt a statewide kindergarten screening to assess the readiness of each student for kindergarten based on performance standards adopted by DOE.	performance standards to be adopted from the Office of Early Learning.
13	<p>s. 1002.81(1)(f), F.S. Provides that an “at-risk child” is a child in the custody of a parent who is considered homeless as verified by a Department of Children and Families (DCF)-certified homeless shelter.</p> <p>s. 1002.81(8), F.S. Defines “family income” as the combined gross income from all family members over the age of 18 excluding income earned by a family member enrolled in high school and income from food stamp benefits or federal housing assistance payments.</p> <p>s. 1002.81(16), F.S. Defines “working family” as:</p> <ul style="list-style-type: none"> • Single parent who work or attend school for at least 20 hours per week • Two-parent family who work or attend school for a combined total of at least 40 hours per week • Two-parent family where one parent is exempt from work requirements due to age or disability and the other parent works or attends school for at least 20 hours per week 	<p>Amend – Authorizes the designated lead agency on the homeless assistance continuum of services to verify homelessness instead of DCF.</p> <p>Amend – Changes the definition of “family income” to exclude income earned by a teen parent residing in the home and child support and alimony payments.</p> <p>Amend - Changes the definition of “working family” to include a single-parent exempt from work requirements due to age or disability and a two-parent family when both parents are exempt from work requirements due to age or disability.</p>
14	<p>s. 1002.82(2)(p), F.S. Requires the OEL to monitor and evaluate the performance of each early learning coalition (ELC) in administering the school readiness program, ensuring proper payment for school readiness program services, implementing the coalition’s school readiness program plan, and administering the VPK education program. These monitoring and performance evaluations must include onsite monitoring of each coalition’s finances, management, operations, and programs.</p>	<p>Amend - Adds that OEL must also monitor and evaluate ELCs implementation of VPK program requirements.</p>

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15	s. 1002.88(1)(n), F.S. Requires school readiness provider to maintain any required workers' compensation insurance (ch. 440) and required reemployment assistance or unemployment compensation coverage (ch. 443).	Amend - Clarifies that workers compensation and unemployment insurance requirements do not apply to a school readiness provider if the provider is exempt under state or federal law.
16	s. 1003.576, F.S., Requires DOE to develop and have an operating electronic individual educational plan (IEP) system in place for potential statewide use no later than July 1, 2007.	Amend – Removes the date regarding the development of an electronic IEP system by July 1, 2007. DOE has already developed an electronic IEP system.
17	s. 1004.015(2), F.S. Establishes the Higher Education Coordinating Council (HECC). The HECC membership includes: one member of the Board of Governors; the Chancellor of the State University System; the Chancellor of the Florida College System; one member of the State Board of Education; the Executive Director of the Florida Association of Postsecondary Schools and Colleges; the President of the Independent Colleges and Universities of Florida, the President of Workforce Florida, Inc.; the President of Enterprise Florida Inc.; and three representatives of the business community.	Amend – Changes the membership of the HECC to include the Chancellor of Career and Adult Education in order to provide greater representation for all levels of educational services.
18	s. 1004.93(4), F.S. Requires SBE to define by rule the levels and courses of instruction to be funded through the developmental education programs. Requires expenditures for developmental education and lifelong learning students be reported separately. Allocations for developmental education must be based on proportional FTE enrollment. Limits funding for student enrolled in the same developmental education class only twice before student must pay 100 percent of the full cost of instruction.	Repeal – Removes paragraphs (c) and (d) related to developmental education funding because legislation in 2013 (SB 1720) ended mandatory placement into development education by colleges based on PERT scores.
19	s. 1005.22(1)(i), F.S. Requires the Commission for Independent Education (CIE) by December 31, 2013, to report to DOE certain student-level data for the 2012-13 school year and by October 1 of each year thereafter.	Repeal – Removes outdated language requiring CIE to report data for the 2012-13 school year.

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20	s. 1006.07(6), F.S. References the use of Safety and Security Best Practices developed by OPPAGA to conduct a self-assessment of the school districts' current safety and security practices.	Amend – According to OPPAGA, OPPAGA no longer develops the Safety and Security Best Practices.
21	s. 1006.29(4), F.S. Requires DOE to publish minimum and recommended technology requirements necessary to ensure that students can access all electronic and digital instructional materials by October 1, 2013.	Repeal – Removes specific date thereby requiring the department to publish minimum and recommended requirements each year; However, compare to s. 1001.20(4)(a), F.S., which requires DOE's Office of Technology and Informative Services to annually update the Florida Digital classroom plan with similar information.
22	s. 1007.2616(3)(a), F.S. While the law allows computer science and technology courses to substitute for a math or science credit except for Algebra I and Biology I, or a higher level math or science, it effectively prohibits substitution because there are no other math or science courses required for high school graduation.	Amend – Authorizes substitution of computer science courses for math or science, except for Algebra I, Geometry and Biology I.
23	s. 1007.271(2), F.S. Defines an eligible secondary student as a student enrolled in grades 6 – 12 at a Florida public school of a Florida private school. s. 1007.271(16), F.S. Exempts students who meet the requirements and participate in dual enrollment from the payment of registration, tuition, and laboratory fees. s. 1007.271(21)(n), F.S. Provides funding provision for cost incurred by each entity for dual enrollment.	Amend – Clarifies eligible students as those enrolled in a Florida public secondary school or in a Florida private secondary school. Amend – Specifies that exemption applies to students enrolled in public or private schools or home education programs. Amend – Exempts private secondary schools and students in home education programs from payment provision for dual enrollment.

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24	<p>s. 1008.25(6)(b), F.S. Provides that district school boards may exempt students with a reading deficiency from mandatory retention for good cause only. Good cause exemptions are limited to: 1) limited English proficient students with less than 2 years of instruction in English for Speakers of Other Languages Program and 2) students with disabilities whose IEP indicates that participation in the statewide assessment program is not appropriate and consistent with statutory requirements.</p>	<p>Amend – Clarifies that a Limited English proficient student is defined as having less than 2 years of instruction based on the initial date of entry into a school in the United States.</p>
25	<p>s. 1008.44(1)(a), F.S. Requires the CAPE Industry Certification Funding List to incorporate by reference the industry certifications on the career pathways list approved for the Florida Gold Seal Vocational Scholars award.</p>	<p>Amend – Removes requirement since there is no such career pathways list.</p>
26	<p>s. 1009.22, (12) F.S. Authorizes the Santa Fe College board of trustees to establish a transportation access fee for students enrolled in workforce education programs and prohibits the fee from being included in the calculation of a student's Florida Academic Scholars award, Florida Medallion Scholars award or a Florida Gold Seal Vocational Scholars award.</p>	<p>Repeal - Removes reference to the transportation access fee exclusion because the GAA sets a flat fee for each Bright Futures award.</p>
27	<p>s. 1009.23(18) F.S. Authorizes the Santa Fe College board of trustees to establish a transportation access fee for college credit instruction leading to an AA degree, AAS degree, AS degree, or a baccalaureate degree; for non-college credit developmental education; and for educator preparation institute programs. Prohibits the transportation access fee from being included in the calculation of a student's Florida Academic Scholars award, Florida Medallion Scholars award or a Florida Gold Seal Vocational Scholars award.</p>	<p>Repeal - Removes reference to the transportation access fee because the GAA sets a flat fee for each Bright Futures award.</p>
28	<p>s. 1009.24(4)(d), F.S. Prohibits the sum of the activity and services, health, and athletic fees from exceeding 40% of tuition. Within 40% cap, universities may not increase the aggregated sum of these fees more than 5% per year unless specifically authorized in law or the GAA. A university may increase its athletic fee to defray the cost associated</p>	<p>Repeal - Removes reference to exclusion of the athletic fees calculation for the Bright Futures award because the GAA sets a flat fee for each award.</p>

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	<p>with changing NCAA divisions. Any such increase in the athletic fee may exceed both the 40% cap and the 5% cap if the increase is approved by the athletic fee committee and does not exceed \$2 per credit hour.</p> <p>Prohibits the increase in an athletic fee that causes the sum of the fees to exceed the 40% cap or the annual 5% cap from being calculated as part of the Florida Academic Scholars award, Florida Medallion Scholars award or a Florida Gold Seal Vocational Scholars award.</p>	
29	<p>s. 1009.26(12)(e), F.S. Provides a waiver of out-of-state postsecondary fees for students, including students who are undocumented for federal immigration purposes who attend a Florida secondary school for 3 consecutive years, apply for enrollment in a postsecondary institution within 24 months after graduation, and submit their high school transcript as documentary evidence of attendance and graduation.</p>	<p>Amend – Specifies that a student who is classified as a nonimmigrant under § 8 U.S.C. 1101(a)(15) may not receive an out-of-state fee waiver, consistent with the original law’s intent (CS/CS/CS/HB 851 (2014)).</p>
30	<p>s. 1009.286(2), F.S. Requires a student at a state university to pay an excess hour surcharge for each credit hour in excess of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.</p>	<p>Amend – Clarifies that credits a student earned prior to attending the state university count toward the student’s baccalaureate degree program for purposes of calculating excess hours.</p>
31	<p>s. 1009.531(6), F.S. Requires the SBE to publicize the examination scores required for a student to be eligible for a Florida Academic Scholars award.</p>	<p>Amend – Extends the initial eligibility period from 2 to 5 years for students who are unable to accept an award due to a full-time religious or service obligation for at least 18 months.</p> <p>Eliminates reference to outdated eligibility requirements for Florida Bright Futures Academic and Medallion Scholars awards and removes differentiated requirement for home school students whose parents cannot document a college-preparatory</p>

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		curriculum.
32	<p>s. 1009.66(4), F.S. Allows DOE, from available funds, to make loan principal repayments of up to \$4000 a year for up to 4 years on behalf of selected graduates of an accredited or approved nursing program. All repayments must be contingent upon continued proof of employment in the designated facilities in this state and must be made directly to the loan holder.</p>	<p>Amend – Clarifies that continued employment must be as a full-time nurse and that, in order for DOE to provide loan principal repayment, the loan must not be in default. Defines that full-time is based on a combination of all qualifying employment that exceeds an average of 35 hours weekly.</p>
33	<p>s. 1011.03(2), F.S. Requires district school board to provide a summary of its tentative budget and post it on the district’s official website and in the newspaper. If the district is required by the legislature to increase its expenditures the district is required include a prepared statement in the advertisement providing information on the expenditure increase.</p>	<p>Repeal – Removes requirement to include a prepared statement in the advertisement providing information on the expenditure increase. Requirements are listed in 1011.64, F.S.</p>
34	<p>s. 1011.61(1)(a), F.S. Defines the number of hours (810 for grades 4-12, 630 for K-3) required for schools operated as “double-session” schools for FTE student enrollment funding.</p>	<p>Amend – Clarifies that multiple-sessions may only be used in the case of specified facility-related emergency situations.</p> <p>The Auditor General has reported findings in FEFP audits for a number of school districts where charter schools have used the current general definition of "double-session" schools to justify the operation of the school program. The charter schools are operating with double session or multiple sessions for which 810 instead of 900 instructional hours are required to generate 1.0 full-time equivalent student (FTE).</p>
35	<p>s. 1011.62(4)(e), F.S.</p>	<p>Amend – Includes 2012 as well as</p>

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	Requires the legislature to prescribe the aggregate required local effort for all school districts collectively as an item in the GAA for each fiscal year. There must be an additional millage to be known as the Prior Period Funding Adjustment Millage levied by a school district if the prior period unrealized required local effort funds are greater than zero.	2013 tax roll for purposes of certification of the final taxable value in the 2014-2015 fiscal year and specifies that upon such certification, the Prior Period Funding Adjustment Millage levied in the next fiscal year in which the district has a prior period funding adjustment millage, instead of simply 2015, must be adjusted to include any shortfall or surplus in the unrealized required local effort funds that would have been levied in 2014.
36	s. 1011.621, F.S. Authorizes an interdistrict transfer of Florida Education Finance Program (FEFP) funds when a student in a secure detention care is transferred between student membership surveys.	Amend - Clarifies that a student must be transferred to a residential care facility, which is not defined in section 988.03(48), F.S., but generally understood to be a facility in which a student resides, rather than in their own home or a family home. This will allow the funding to follow the student when transferring among districts.
37	s. 1011.64(4)(a), F.S. Provides requirements for minimum class room expenditures which include submitting an initial report to the department of proposed budget actions for increased classroom expenses and a final report that indicated the degree of each district's compliance with requirements of this section.	Amend – Removes requirement to provide a copy of published statement in repealed section 1011.03(2), F.S.
38	s. 1011.68, F.S. Provides eligibility requirements for student transportation funding as well as the methodology for determining district student transportation funding allocations.	Amend – Clarifies that passenger cars and boats may be used to transport students who are isolated, in the custody of DCF or who are homeless; that students who attend the Florida School for the Deaf and Blind are

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		funded through a separate allocation within the GAA and are not eligible for funding through the FEFP; that students with disabilities may be claimed for funding during the summer provided the student's IEP includes the need for the service; and that eligible students reported for funding during the summer must earn FTE through the FEFP during the summer with the exception of students who require extended services during the summer.
39	s. 1011.71(2)(d), F.S. Authorizes the acquisition of enterprise software through license fees, maintenance fees or lease agreement. In past years, school districts acquired software through purchase. Currently, most software applications are acquired through annual license fees and maintenance fees.	Amend - Allows districts to continue to acquire enterprise software with Local Capital Improvement Revenue proceeds through purchase, lease, or license and maintenance fees.
40	s. 1012.21(6), F.S. Requires DOE to annually post online links to each school district's collective bargaining contracts and the salary and benefits of the personnel or officers of any educator association which were paid by the school district pursuant to s. 1012.22.	Amend – Removes reference to repealed subsection (3) in s. 1012.22 (2007). This subsection was deleted to correct an error in HB 7087 (2006). The subsection relates to past procedure when DOE was required to post information not the links to the information.
41	s. 1012.2315(1-5), F.S. Prohibits a school district from assigning to schools graded “D” or “F” a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, and out-of-field teachers. Requires SBE to adopt rules for the assignment of teachers.	Amend – 2011 legislation (SB 736) established four separate evaluation ratings to be used for instructional personnel and administrators, including the ratings of “needs improvement” and “unsatisfactory.” The bill replaces the phrase “teachers in need of improvement” with these statutorily

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		defined terms and removes SBE rulemaking requirement because the SBE is not responsible for the assignment of teachers.
42	s. 1012.72, F.S.	Repeal – Section 1012.72, F.S.
43	Provides an effective date July 1, 2015.	

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