

April 4, 2014

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank

RE: Legislative Update – Week of March 31, 2013

General Information

The House and Senate passed their respective budgets this week. The next steps is the appointment of budget conferees, announcement of budget allocations, and the budget conference. The Senate has appointed conferees. For Education, they are Senator Galvano, Chair and Senators Abruzzo, Bullard, Detert, Legg, Montford, Sachs, Simmons and Thrasher. The House had not named conferees as of the printing of this report.

One of the major issues in education will be the policy and funding of technology, particularly as it relates to the transmission of assessment data.

In the **House** the budget, implementing bill and conforming bills passed with few amendments. **HB 5101, the Education Conforming Bill**, was amended in committee earlier in the week re to FIRN and the transmission of data. The language establishes an educational Internet-based data transport services known as the Florida Information Resource Network or FIRN. DOE must collaborate with DMS to establish FIRN in a manner that complies with all requirements necessary to receive federal funds that are available through the E-rate program. The Florida Information Resource Network may be used by each school district in preparation for and implementation and administration of the statewide, standardized assessments. A school district may use FIRN for other eligible educational purposes as identified by the district. However, FIRN must be configured in such a manner that network traffic associated with the statewide, standardized assessments is given preferential and preemptive treatment over other network traffic. FIRN must comply with the standard that requires each FTE student funded in the FFEFP to have access to one megabit of bandwidth no later than the beginning of the 2017-2018 academic year; and all applicable state and federal laws and rules regarding the security and privacy of student records and data.

A school district may seek an exemption from using FIRN if the school district certifies to DOE that the district has executed or will have executed a contract by July 1, 2014, that meets the following:

- Has been deemed eligible to receive E-rate.
- Will comply with the standard established above (1 megabit).
- Includes comparable services as offered by FIRN, to include Internet access, helpdesk support, security, network traffic analysis and utilization reporting, intrusion prevention, basic firewall protection, and content filtering services, at a cost that is equal to or less than the cost of such services provided by 53 Florida Information Resource Network.
- Complies with all applicable state and federal laws regarding the security and privacy of student records and data.

If DOE, in consultation with DMS, verifies that a district meets the requirements, the district is authorized to use applicable funds to funds the portion of the school district’s contract for Internet access that is not

funded by federal funds referenced above. The district must provide to DMS, in a format prescribed by the department, the data the department needs to develop the interactive geographical information system map.

Other than this substantive amendment, the budget, implementing bill, and conforming bills basically passed the full House without amendments.

The **Senate** passed the budget, implementing bill, and conforming bills and are also postured for conference. There were several budget amendments and amendments to conforming bills. Those pertaining to education are summarized below:

General Appropriations Act or Budget

- Adds proviso to the funds for the Personal Learning Scholarship Accounts so that funds may be administered by the Agency for Persons with Disabilities.
- Provides \$3 million to the FSU College of Engineering from Adult General Education Performance funds.
- Provides \$2,000,000 in nonrecurring PECO funding to Sarasota County Technical Institution – North Port Campus and reduces funding for Lake Sumter State College by a like amount.
- Makes Digital Classrooms allocation of the FEFP contingent on SB 790 or similar legislation becoming law.

Senator Galvano sponsored a strike all amendment to HB 5101 which is the House Education Conforming Bill. The Senate did not have an education conforming bill. This amendment includes several provisions that are in other Senate bills. A short summary is below.

- Provisions for collection and deposit of specific revenues in PECO.
- Provisions that hold the expansion of baccalaureate degree programs in the Florida College System from March 31, 2014 through May 31, 2015.
- Provision for workforce education postsecondary student fees is set in GAA and if not the rate remains the same.
- Provisions for Florida College system tuition and fees is set in the GAA and if not the rate remains the same.
- Provisions for State University system tuition and fees is set in the GAA and if not the rate remains the same.
- Increases rosewood Family Scholarships.
- Establishes a Florida National Merit Scholar Incentive Program.
- Establishes the Florida Personal Learning Scholarship Accounts
- Modifies graduation requirements for students with disabilities including the repeal of the special diploma.
- Provisions for additional transition services to postsecondary education and career opportunities for students with disabilities.
- Provides permanent exemption from assessments for students with severe cognitive or physical disabilities.
- Provisions relating to Florida Prepaid Program.
- Expansion to 300 the number of low performing elementary schools for which an extra hour of instruction is provided.

- Prohibits district-developed assessments, etc. 2 weeks before or 2 weeks after taking a statewide, standardized assessment.

The amendment passed the Senate. The bill is now postured for conference.

Major Substantive Bills Considered in Committee

HB 921 by Gaetz re to Instructional Materials for K-12 Education. The bill was substantially amended in the House Education Appropriations Subcommittee to retain the state adoption process but affords more input on the local level by the public in the review of materials. The language reiterates that each school board is responsible for the content of all instructional materials used in a classroom, whether purchased through an adoption process or otherwise purchased or made available in the classroom.

The bill provides that if a school board chooses to implement its own instructional materials program, the board must adopt rules that include its processes, criteria, and requirements for the following:

- Selection of reviewers, one or more of whom must be parents with children in public schools.
- Review of instructional materials.
- Selection of instructional materials, including a thorough review of curriculum content.
- Reviewer recommendations.
- District school board adoption.
- Purchase of instructional materials.

The board rules must also identify, by subject area, a review cycle; specify the qualifications for an instructional materials reviewer and the process for selecting reviewers; etc.

The rules must establish the process by which materials are adopted by the board and must include:

- A process to allow student editions of recommended instructional materials to be accessed and viewed online by the public at least 20 calendar days before the school board hearing and public meeting as specified in this subparagraph. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.
- An open, noticed school board hearing to receive public comment on the recommended instructional materials.
- An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the district school board instructional materials review process pursuant to this section. This public meeting must be held on a different date than the school board hearing.
- Notice requirements for the school board hearing and the public meeting which must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.

The rules must establish the process by which the district school board shall receive public comment on, and review, the recommended instructional materials.

The rules must establish the process by which the school district will notify parents of their ability to access their children's textbooks and instructional materials through the district's local instructional

improvement system and by which the school district will encourage parents to access the system. This notification must be displayed prominently on the district school board's website and provided annually in written format to all parents of enrolled students.

A part of the certification to the department that all materials for core courses are aligned with the state standards, the superintendent must certify that the materials have been reviewed, selected, and adopted by the board in accordance with the hearing and public meeting requirements.

The school district must make available, upon request for public inspection, sample copies of all instructional materials that have been purchased by the district school board.

Materials recommended by state and district reviewers must be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed for academically talented students such as those enrolled in advanced placement courses. In addition to other factors, materials must accurately portray religious and physical diversity.

Beginning in 2014-2015 rather than 2015-2016 fiscal year, each board must use at least 50 percent of the annual allocation, and may use all of the allocation for the purchase of digital or electronic instructional materials that are consistent with district goals and aligned with the standards.

The bill passed the committee favorably as a committee substitute. The next step is the House Education Committee. The Senate companion, SB 864 by Hays is on the Senate Special Order Calendar.

The House Education Appropriations Subcommittee also considers HB 7165 re to Digital Student Learning and Support Services. The bill requires the Department of Education (DOE) to develop by October 1, 2014, a five-year strategic plan for Florida digital classrooms, which, among other things, describes how technology will be integrated into classroom teaching and learning. The bill provides for oversight of the development and implementation of the plan by the Commissioner of Education and requires the DOE to provide the plan to school districts, publish the plan on the DOE's website, and annually update the plan.

The bill repurposes local instructional improvement systems (LIIS) as district digital classrooms systems and provides requirements for the systems. The bill also requires each district digital classrooms system to meet minimum standards published by the DOE across the nine LIIS standards component areas by June 30, 2015.

The bill requires each school district, by December 31, 2014, to develop and submit to the DOE for approval a digital classrooms system plan to improve student performance through the district's digital classrooms system and establishes required plan content. Each district must annually update and submit the plan to the DOE for approval in a format and by a date determined by the DOE.

The bill also requires the commissioner to provide a report by August 1, 2015, and annually thereafter, to the Governor, the Senate President, and the Speaker of the House of Representatives the progress each school district has made in establishing the digital classrooms system and integrating such technology into classroom teaching and learning as well as the impact on student performance.

The bill creates the Complete Florida Plus Program at the University of West Florida and transfers the requirements and responsibilities related to online student support services currently administered

through the Florida Virtual Campus (FLVC) to this program. The consolidation of duties and resources will streamline and maximize services to all Florida students pursuing postsecondary degrees.

The bill also establishes the FLAC and reassigns all the duties and resources related to online library support services currently administered by the FLVC to the FLAC. The FLAC shall be administered by a director who will report to the director of the Complete Florida Plus Program.

The bill passed the committee favorably as a committee substitute.

HB 875 by Diaz relates to Education Fiscal Accountability. The bill Return on Investment provisions were amended in the House Appropriations Committee. Operating expenditures are defined as the expenditure of school district general and special revenue funds in accordance with the uniform chart of accounts included in the publication "Financial and Program Cost Accounting and Reporting for Florida Schools." The commissioner may specify expenditures, funds, and functional and object categories as operating expenditures. Return-on-investment rating or ROI rating means a calculation developed by the commissioner which results in an annual ordinal rating for a public school and a school district that displays to the public the extent by which operating expenditures have been used to positively impact student performance. Ratings shall be assigned based on operating expenditures and student performance.

A school report card will include a return on investment rating as follows:

- By February 28, 2015, the Commissioner of Education shall establish a ROI rating system. The ROI rating evaluates the extent to which public schools and school districts are using their financial resources in a cost-effective manner to improve student performance. Student performance means student learning gains on statewide, standardized assessments as provided for in this section.
- Schools shall be grouped for comparison as determined by the commissioner.
- The commissioner shall assign the ordinal ROI ratings for all public schools and school districts in a sortable, easy-to-understand format that allows for comparisons among school districts and public schools. Beginning with the 2015-2016 school year, the commissioner shall publish ratings on the Department of Education's website when school report cards are made publicly available. Each public school shall provide a link to this information on its website and annually post a copy of its most recent rating in a visible location.
- The ROI application shall include a metric to evaluate the resources available to a school as a percentage of the revenues generated by students at the school.
- Beginning with the 2015-2016 school year, each school's report card shall include the ordinal ROI rating of the school and the school district.
- The commissioner shall make every attempt to use aggregated student data that is already being collected from public schools to develop the ROI rating, including, but not limited to, data from:
 - School report cards.
 - Accountability measures, including the annual school accountability.
 - Profiles of school districts.
 - The state's program cost reporting system.

The bill passed the committee favorably as a committee substitute. The Senate companion, SB 1100 by Flores has not been heard.

HB 295 by Porter re to Employment after Retirement of School District Personnel. Current law provides that instructional personnel may be awarded probationary contracts upon initial employment and may be awarded annual contracts thereafter; professional service contracts may not be issued to any instructional personnel hired on or after July 1, 2011. Additionally, the Florida Retirement System Act and the Teachers' Retirement System Act provide that retired instructional personnel who retired before July 1, 2010, may be rehired on an annual contractual basis. Although the retirement statute appears to provide for the issuance of annual contracts after retirement, in 2012, the Fifth District Court of Appeals held that the law was only applicable to the first year of reemployment and that retired instructional personnel rehired prior to July 1, 2011, may be awarded professional service contracts.

The bill clarifies that instructional personnel may be reemployed after retirement but only under a 1-year probationary contract. If the instructional personnel successfully complete the probationary contract, such employees may receive an annual contract; reemployed retired instructional personnel may not receive professional service contracts. The bill further provides legislative intent and clarification of applicable law for purposes of pending civil and administrative actions.

The bill passed the House Appropriations Committee favorably and is now on the House Calendar. The Senate Companion, SB 560 by Stargel has not been heard.

HB 753 by Steube re to School Safety. The bill allows superintendents and school principals to create a school safety designee program through which the school principal, or, for an administration building, the district superintendent, may designate one or more individuals to carry a concealed weapon or firearm on school property. Weapons or firearms may only be carried in a concealed manner and must be on the individual's person at all times while performing official school duties. The bill requires designees to possess a concealed weapon license.

The bill establishes criteria and training requirements which designees must meet. The bill also requires a level 2 background screening for designees who are volunteers and authorizes school principals to require additional background screenings for all designees.

The bill requires district school board policies and procedures for emergencies and emergency drills to include active shooter and hostage situations. Active shooter situation training for each school must be conducted by the designated first responding law enforcement agency or agencies for the school's campus.

The bill requires each district school superintendent to provide recommendations to improve school safety and security to the first responding local law enforcement agencies.

The bill requires school districts and private schools to allow first-responding law enforcement agencies to tour the school campuses once every three years. Any recommendations relating to school safety and emergency issues based on a campus tour must be documented by the district or private school.

The bill specifies that a district school board may commission one or more school safety officers on each school campus.

The bill specifies that the required training will be created and defined by the Criminal Justice Standards and Training Commission which is administered by the Florida Department of Law Enforcement (FDLE).

According to the FDLE, the cost to develop and implement the training required by this bill would be \$157,927. See Fiscal Impact on State Government.

The bill was amended to provide a process for the submission and processing of state and national fingerprints.

The bill passed the House Justice Appropriations Subcommittee favorably as a committee substitute. The Senate companion, SB 968 by Hays is now in the Senate Education Committee.

SB 530 by Flores re to Postsecondary Education Textbook and Instructional Materials Affordability. The bill was substantially amended and the language requiring dual enrollment textbooks to be used for 5 years was removed. Language was added to require that postsecondary institutions consult with school districts with which they have a dual enrollment articulation agreement to identify practices that impact the cost to school districts of dual enrollment textbooks and instructional materials, including, but not limited to, the length of time that textbooks and instructional materials remain in use and these costs associated with digital materials. In addition, as part of the responsibilities of the task force established to reduce the cost of textbooks is determining the cost of instructional materials for dual enrollment students on school districts.

The Senate Education Appropriations Subcommittee passed the bill favorably as a committee substitute.

SB 950 by Stargel re to Education. The bill was substantially amended in the Senate Education Appropriations Subcommittee. The bill primarily deals with teacher certification except the following.

Beginning July 1, 2014, a school district may assign an individual newly hired as instructional personnel to a school that has earned a grade of "F" in the previous year or any combination of three consecutive grades of "D" or "F" in the previous 3 years if the individual:

- Has received an effective rating or highly effective rating in the immediate prior year's performance evaluation;
- Is enrolled in a professional education training program provided by Teach for America, holds a certificate, and holds a probationary contract; or
- Holds a probationary contract, holds a certificate, and has successful teaching experience and if, in the judgment of the school principal, students would benefit from the placement of that individual.

The bill passed the committee favorably as a committee substitute. The House companion, HB 433 by Spano, has passed the full House and has been referred to three Senate committees.

SB 1512 by Stargel re to Florida Personalized Learning Scholarship Accounts. Senator Bean had a strike-all amendment. Overall the purpose of the bill is to provide options for a parent to better meet the educational needs of his or her eligible child.

Major differences between the bill and the strike-all amendment are as follows:

APD or Agency for Persons with Disabilities administers the program and not DOE.

Approved provider is a provider approved by APD, a health care practitioner, or provider approved by DOE.

Disability: for student in K-12, autism, cerebral palsy, Down syndrome, an intellectual disability, Prader-Willi syndrome; Spina bifida, and for student in kindergarten, being a high-risk child; or Williams syndrome.

“ILSP” means individual learning services plan that is developed for student participant. Student is eligible for K-12, has disability, has ILSP developed by APD, and complies with regular school attendance.

Parent must apply by February 1 prior to school year in which student will participate.

Funds can be used, according to goals/objectives identified in ILSP, for:

- Instructional materials, including digital devices, assistive technology.
- Curriculum
- Specialized services by approved providers selected by parent and specified in student’s ILSP. Services include, not limited to:
 - Applied behavior analysis services
 - Speech-language.
 - Occupational therapy.
 - Physical therapy.
 - Services provided by listening/spoken language specialists.
- Enrollment in, tuition/fees, for eligible private school, postsecondary institution, private tutoring program, virtual program, or approved online course.
- Fees for NRT, AP, industry cert exams, assessments related to postsecondary ed, etc.
- Contributions to Coverdell education savings for benefit of eligible student.
- Contributions to Florida Prepaid.
- Contracted services provided by public school or district.

Student can remain in program until graduates from high school or reaches 22 years of age, whichever occurs first.

School districts must notify parent re location/time of standardized tests if students takes them. District retains all current duties, authority, and responsibilities as specified in the Florida K-20 Education Code.

DOE Obligations

- Maintain list of eligible private schools.
- Compare list of students participating in program with public school enrollment lists before each program payment to avoid duplicate payments.

Parents:

- Affirm student enrolled in school/program that meets minimum student attendance requirements.
- Comply with ILSP and use program funds only for authorized purposes.
- Provide for an appropriate assessment that documents educational progress.
- Affirm student has taken all appropriate assessments.
- Notify district that students is participating in program if enrolled in private school, home education, scholarship program or private tutoring program.
- Affirm will not transfer any college savings to another beneficiary.

- Be responsible for payment of all eligible expenses in excess of amount of personal learning scholarship account.

APD Obligations

- Monitor/oversight.
- Determine student eligibility and notify DOE by February 1.
- Notify parents of scholarship on first-come, first-served basis based upon funding in GAA.
- Develop ILSP.
- Assign level of services category for each student. Level of service determine level of award.
- Receives an administrative fee of up to 10% from appropriate to operate accounts.
- Establish/maintain list of approved providers, etc.
- Develop system for payment of benefits by electronic funds transfer, etc.

Funding and Payment

- Provided in GAA and specify annual amount per service level for public school students, private school students, home education, students receiving McKay and Corporate Scholarships and students participating in private tutoring program.

Auditor General must conduct annual financial and operational audit of accounts, etc.

Implementation for 2014-2015 School Year

- APD must develop ILSP in consultation with advisory work group including levels of services requirements, system for payment of claims, etc. Advisory group makes recommendations by October 1, 2014 to agency. Agency adopts rules to implement recommendations of advisory group by December 31, 2014.
- Agency may enroll parents in statewide pilot program on rolling schedule on first-come, first-served basis, no later than January 31, 2015 within amount appropriated.
- Appropriated for 2014-15 fiscal year, to APD - \$18,400,000 from Operations and Maintenance Trust fund. Of this, \$1.5 million allocated for APD for start-up costs for planning and implementation of pilot program. For pilot, agency shall provide awards ranging from \$5,000 to \$19,000 per recipient. Public school students and students who receive a McKay and Corporate Scholarship shall receive 50% of designated amount for student's service levels.

High School Graduation

For students entering 9th grade in 2014-2015 school year these provisions apply to student with disability for whom IEP team has determined that the FAA assessment is most appropriate measure of skills.

Parent, in collaboration with IEP team, must declare an intent to graduate with either standard high school diploma or certificate of completion. If standard diploma requirements not met, then student may be issued a certificate of completion.

The bill repeals the special diploma as graduation option for students with disabilities, effective July 1, 2015.

The bill provides students with an intellectual or cognitive disability with the opportunity to satisfy the requirements for a standard high school diploma through the following:

- A combination of appropriate course substitutions, assessments, industry certifications, and other options that meet the criteria specified in State Board of Education rule.
- A portfolio of quantifiable evidence documenting a student’s mastery of academic standards using rigorous metrics that are specified in State Board of Education rule.

These provisions apply to students entering grade 9 in the 2014-2015 school year.

The bill allows a student to defer receipt of the standard high school diploma if the IEP prescribes special education or services through age 21, the student meets the high school graduation requirements, and is enrolled in accelerated college credit instruction, industry certification courses that lead to college credit, a collegiate high school program, courses necessary to satisfy the Scholar designation requirements, or a structured work-study, internship, or pre-apprenticeship program. Additionally, the bill allows a student who receives a certificate of completion and has an IEP that prescribes special education, transition planning, transition services, or related services through 21 years of age to continue to receive the specified instruction and services.

Any waiver of statewide, standardized assessment requirements by IEP team must be approved by the parent and is subject to verification for appropriateness by independent reviewer selected by parent.

Transition Planning

Under the bill, the postsecondary goals and career transition planning process begins before a student with a disability turns 14 so that a plan is in place by the time he or she turns 16. The IEP must include specific components, including a statement of measurable, long term postsecondary and career education goals, a statement of intent to pursue a standard high school diploma, as determined by the parent, and a description of how the student will fully meet the standard high school diploma requirements. Any change in goals must be approved by the parent and is subject to an independent review.

The bill passed the Senate Education Appropriations Subcommittee favorably.

HB 7033 by Adkins re to middle school education. The bill was amended to add several provisions. Section 1003.02, F.S., re to school board operation and control of education was amended to incorporate Return on Investment. Parents of students who earn an industry certification which articulates for college credit must be notified of the estimated cost savings to the parent of the student earning an industry certification prior to high school graduation versus the cost of acquiring such certification after high school graduation which would include the tuition and fees associated with available college credits. Also, the student and the parent must be informed of any additional industry certifications available to the student.

Section 1003.4203, F.S., re to digital materials, etc. is amended. Each school board must make available CAPE or Career and Professional Education digital materials that enable students in K-12 to access certificates, career innovation courses or academic acceleration industry certifications identified on the Industry Certification Funding List. Each board must make available CAPE digital materials to ESE student during the development of a student’s IEP.

Digital tool certificates are identified on the Industry Certification Funding List pursuant to s. 1008.44 and recognize the digital competencies necessary to the student’s academic success and future employment. Targeted skills to be mastered by the student to earn the certificate include but are not limited to, word processing; spreadsheets; digital arts; cybersecurity; coding; and development of sound, motion, and

color presentations. These certificates must be available for public elementary and middle school students.

The Legislature intends that by July 1, 2018, on an annual basis, at least 75 percent of public elementary and middle grades students earn a digital tool certificate. DOE must collaborate with Florida educators and school leaders to provide assistance to boards on implementation.

Section 1003.4282, F.S., re to the requirements for a standard high school diploma are amended. One of the three credits in science may be an Advanced Placement computer science course or a computer science course of appropriate rigor as determined by the SBE.

Section 1003.4285, F.S., re to Standard high school diploma designations is amended – Scholar designation – Clarifies that beginning with students entering grade 9 in the 2014-15 school year students must pass the 11th grade ELA statewide, standardized assessment. In mathematics, beginning with students entering grade 9 in the 2014-15 school year a student must also pass the statewide, standardized Geometry EOC. The electives section is amended to add as an option earning an industry certification from the Industry Certification Funding List which articulates for college credit.

For a merit designation, beginning with students entering grade 9 in the 2014-15 school year a student must attain two or more industry certifications from the Industry Certification Funding List.

Section 1007.273, F.S., re to a Collegiate High School Program is created. The Collegiate High School Program is established to provide eligible high school students in any of grades 9 through 12 an option to participate in academically challenging educational environments that offer rigorous academic instruction and career preparation. All students shall have access to options that allow them to simultaneously earn a standard high school diploma, at least 30 credits toward an associate or baccalaureate degree to include completion of the 15 credit general education core course requirements and industry certifications.

Each Florida College System institution shall offer a collegiate high school program that will be available to all eligible high school students in the institution's service. A high school operated by a Florida College System institution satisfies this requirement. State University System institutions and eligible independent colleges and universities may offer the program.

Each Florida College System institution must submit to the Chancellor of the Florida College System, by January 1, 2015, a plan to offer a collegiate high school program. The plan must:

- Identify the grade levels to be included in the collegiate high school program which must, at a minimum, include grade 12.
- Describe the collegiate high school program, including the delineation of courses and industry certifications offered, including online course availability; the high school credits earned for each postsecondary course taken; the applicability of courses to postsecondary general education requirements and students' selected meta-majors pursuant to s. 1008.30; student eligibility criteria; and enrollment process and deadlines.
- Describe the methods, medium, and process by which students and their parents are annually informed about the collegiate high school program (d) Identify the delivery methods for instruction and the instructors for all courses, including their required academic credentials.
- Identify student progress monitoring mechanisms and the career and academic counseling services to be provided to students by the Florida College System institution in cooperation with the school districts in its service area.

- Establish a program review and accountability system that provides data regarding student performance outcomes and solicits student feedback on the program.

Each student participating in the collegiate high school program must enter into a student performance contract which must be signed by the student and the parent and a representative of the school district and postsecondary institution. The performance contract must include the schedule of courses, by semester, to be taken by the student, student attendance requirements, and course grade requirements. If the student fails to meet the terms and conditions of the performance contract, the student shall be removed from the program, and the parents notified.

Section 1008.44, F.S., re to industry certifications is amended and authorizes the Commissioner to add the following certifications:

- Industry Certifications that do not articulate for college credit.
- Industry Certifications that articulate for college credit.
- No more than 15 digital tool certificates that do not articulate for college credit and that are limited to the areas of word processing; spreadsheets; sound, motion, and color presentations; digital arts; cybersecurity; and coding.
- Career innovation courses which articulate for college credit and combine academic and career performance outcomes with embedded industry certifications.
- Academic acceleration industry certifications that articulate for 15 or more college credit hours.

The Commissioner of Agriculture, by August 1 of each year, may annually select two industry certifications that do not articulate for college credit for inclusion on the Industry Certification Funding List.

The not-for-profit corporation established pursuant to s. 445.004 may annually select one industry certification that does not articulate for college credit for inclusion on the Industry Certification Funding List.

Section 1011.62, F.s., re to funds for operation of schools is amended to provide weighted funding or additional FTE for various industry certifications, digital tool certificates, and early graduation.

The bill passed the House Education Committee favorably as a committee substitute.

HB 7083 by Diaz re to School Choice or Charter Schools. The bill revises the charter school application and charter approval processes by:

- Requiring the State Board of Education to adopt the DOE-developed standard charter and charter renewal contracts in rule, which sponsors and applicants must use thereafter.
- Revising the contents of the application and charter so that issues currently reserved for charter negotiations are decided upon by the sponsor during the application process.

The sponsor must review the application and base its decision to approve or deny the application upon the expanded application criteria. If the sponsor approves the application, the approved application is incorporated into the standard charter, with certain limited issues reserved for charter negotiations. The applicant and sponsor may negotiate additional terms after the standard charter is approved. The charter school may open and operate during the pendency of such negotiations.

This bill creates new opportunities for high-performing charter school operators to establish quality charter schools in Florida, including charter schools in hard-to serve areas. The bill authorizes an out-of-state entity that successfully operates a system of charter schools to apply and qualify for high-performing charter school system status. The state board must adopt rules specifying a process and criteria for evaluating out-of-state entities for “high-performing” status. Eligibility criteria must be aligned with the priorities specified in the federal Charter Schools Program Grants for Replication and Expansion of High-Quality Charter Schools, which emphasizes student achievement. Additionally, the bill shifts the focus of the state’s program for replicating quality charter schools towards meeting school district needs for innovative school choice options and serving areas served by struggling traditional public schools.

The bill also clarifies that:

- Sponsors need not provide hearings and appeals to charter schools that are terminated for earning two consecutive school grades of “F.”
- For purposes of determining eligibility for capital outlay funding, a charter school must have no financial emergency conditions on its most recent annual financial audit.
- Sponsors must make facilities available to charter schools if the facility or property has previously been used for K-12 education purposes and is no longer used to support public education

Several amendments were adopted in the House Education Committee. Additional information to be included in the application: name of each member of proposed charter governing board, name/sponsor of any charter school for which the individual has served as governing board member, and whether such charter school terminated by sponsor for failure to meet fiscal management standards or closed voluntarily due to financial mismanagement or insolvency. If a majority of governing board members for proposed charter school also served together on governing board so terminated or closed, sponsor may deny the application.

Charter schools are authorized to enter into cooperative agreements with other charter schools or educational institutions to form organizations that may provide services to further educational, operations, and administrative initiatives in which the participating charter schools share a common interest.

Governing board meeting - Members of the governing board may attend in person or by means of communications media technology utilized in accordance with rules adopted by the Administration Commission.

Facilities – A school board may charge the charter school rent amounting to up to 10 percent of the available funds for all students.

High-performing charter school – Statutory limits do not apply to charter schools established by a high-performing charter school in the attendance zone of a school identified as in need of intervention and support or to meet capacity needs or needs for innovative choice options identified by the school board.

In addition, an entity that successfully operates a system of charter schools outside the state may apply to the SBE for status as a high-performing charter school system. The SBE must adopt rules prescribing a process for determining whether the entity meets these requirements by reviewing student demographic and performance data and fiscal accountability of all schools operated by the entity. To the extent practicable, the SBE must develop a rubric for the approval of such entities that aligns with the priorities of the federal Charter Schools Program Grants for Replication and Expansion of High-Quality Charter

Schools, found in the Federal Register. An entity classified as a high-performing charter school system may utilize the application process specified in s. 1002.331(3) to establish new charter schools in the state. During the first 3 years of operation, each charter school established by the entity shall receive a reduction in administrative fees.

Section 1012.56, F.S., is amended to authorize a charter school to develop and maintain a system by which members of instructional staff may demonstrate master of professional education competence.

The statute authorizes a charter school system to be an LEA is amended and deletes specific requirements. For example, the system does not have to include both conversion and nonconversion charter schools, does not have to have the schools be located in the same county or is not prohibited from contracting with a for-profit service provider for management of school operations.

Language is added to require school boards to make timely payment to a financial institution designated by a charter school. Funds distributed to a financial institution must be held in trust for the benefit of the charter school and provide for reversion. A school board may not delay payment to a charter school of any portion of funds based upon the timing of receipt of local funds by the school board.

Finally, language is added that if a student withdraws from a charter school and enrolls in another public school in the school district, the charter school must, at the end of the fiscal year, transfer to the school board a pro rata share of the full-time equivalent student funding for the student. Likewise, the district school board must conduct such a transfer of funds to a charter school if a student withdraws from another public school in the school district and enrolls in the charter school. The amount of the funds transfer must be based upon the percentage of the survey period that the student was served by each school.

The bill passed the Senate Education Committee as a committee substitute.