

1                   A bill to be entitled  
2           An act relating to education; amending s. 1001.10,  
3           F.S.; authorizing the Commissioner of Education to  
4           coordinate resources during an emergency; amending s.  
5           1001.51, F.S.; revising the duties and  
6           responsibilities of superintendents relating to the  
7           organization of schools; amending s. 1013.28, F.S.;  
8           requiring school districts to provide charter schools  
9           access to certain property on the same basis as public  
10          schools; prohibiting certain actions by a charter  
11          school without the permission of the school district;  
12          amending s. 1008.22, F.S.; requiring certain portions  
13          of the English Language Arts assessments to include  
14          social studies content; revising the format  
15          requirements for certain statewide assessments;  
16          requiring published assessment items to be in a format  
17          that meets certain criteria; amending s. 1002.33,  
18          F.S.; revising the criteria for denying high-  
19          performing charter school system applications;  
20          revising the requirements for the term of a charter;  
21          revising provisions for the nonrenewal or termination  
22          of a charter; revising the process for resolving  
23          contractual disputes; amending s. 1012.562, F.S.;  
24          authorizing charter schools and charter management  
25          organizations to offer school leader preparation

26 | programs; amending s. 1011.6202, F.S.; renaming the  
27 | "Principal Autonomy Pilot Program" as the "Principal  
28 | Autonomy Program"; providing that any school district  
29 | may apply to participate in the program; providing  
30 | that a school shall retain its exemption from  
31 | specified laws under specified circumstances;  
32 | requiring a designated leadership team at a  
33 | participating school to complete a certain turnaround  
34 | program; deleting a provision providing a specified  
35 | amount of funds to a participating school district  
36 | that completes the turnaround program; authorizing  
37 | certain principals to manage additional schools under  
38 | the control of an independent governing board;  
39 | providing requirements for such schools; providing for  
40 | such schools to participate in the program; providing  
41 | requirements for such participation; specifying that  
42 | no school district liability arises from the  
43 | management of such schools; deleting a school's  
44 | authority to renew participation in the program;  
45 | deleting reporting requirements; providing funding;  
46 | revising the principal eligibility criteria for a  
47 | salary supplement through the program; amending s.  
48 | 1007.271, F.S.; deleting a requirement for a home  
49 | education student to provide his or her own  
50 | instructional materials; revising the requirements for

51 a private school articulation agreement; amending s.  
52 1012.98, F.S.; requiring professional development  
53 resources to include sample course-at-a-glance and  
54 unit overview templates; providing requirements for  
55 such templates; amending s. 1002.331, F.S.; revising  
56 the criteria for designation as a high-performing  
57 charter school; revising the calculation used to  
58 determine facility capacity for such charter schools;  
59 revising the number of schools that can be established  
60 by a high-performing charter school; amending s.  
61 1006.07, F.S.; revising district school board duties  
62 to include security risk assessments; requiring  
63 certain self-assessments to be in a specified format;  
64 amending s. 1003.576, F.S.; requires a specified IEP  
65 system to be used statewide; deleting an obsolete  
66 date; amending s. 1012.32, F.S.; requiring a district  
67 school board to waive certain costs if it fails to  
68 notify a charter school of the eligibility status of  
69 certain persons; creating s. 1002.411, F.S.;  
70 establishing reading scholarship accounts for  
71 specified purposes; providing for eligibility for  
72 scholarships under the program; providing for  
73 administration; providing duties of the Department of  
74 Education; providing school district obligations;  
75 specifying options for parents; providing that maximum

76 funding shall be specified in the General  
77 Appropriations Act; providing for payment of funds;  
78 specifying that no state liability arises from the  
79 award or use of such an account; amending s. 1002.385,  
80 F.S.; revising eligible expenditures for the Gardiner  
81 Scholarship Program; conforming provisions to changes  
82 made by the act; amending s. 1002.421, F.S.; providing  
83 private school requirements for participation in  
84 educational scholarship programs; providing background  
85 screening requirements and procedures for owners of  
86 private schools; providing that a private school is  
87 ineligible to participate in an educational  
88 scholarship program under certain circumstances;  
89 providing department obligations relating to education  
90 scholarship programs; providing commissioner authority  
91 and responsibilities for educational scholarship  
92 programs; authorizing the commissioner to deny,  
93 suspend, or revoke a private school's participation in  
94 an educational scholarship program; amending s.  
95 1002.39, F.S.; conforming provisions to changes made  
96 by the act; amending s. 1002.395, F.S.; revising the  
97 requirements for an annual report of certain student  
98 data for the Florida Tax Credit Scholarship Program;  
99 conforming provisions to changes made by the act;  
100 amending s. 1002.37, F.S.; requiring school districts

101 to provide Florida Virtual School students access to  
 102 certain examinations and assessments and certain  
 103 information; amending s. 1011.62, F.S.; prohibiting  
 104 the award of certain bonuses to teachers who fail to  
 105 maintain the security of certain examinations or  
 106 violate certain protocols; authorizing the State Board  
 107 of Education to adopt rules for specified purposes;  
 108 amending ss. 1012.28 and 1013.62, F.S.; conforming  
 109 provisions to changes made by the act; providing an  
 110 appropriation; providing an effective date.

111

112 Be It Enacted by the Legislature of the State of Florida:

113

114 Section 1. Subsection (8) is added to section 1001.10,  
 115 Florida Statutes, to read:

116 1001.10 Commissioner of Education; general powers and  
 117 duties.—

118 (8) In the event of an emergency, the commissioner may  
 119 coordinate through the most appropriate means of communication  
 120 with local school districts, Florida College System  
 121 institutions, and satellite offices of the Division of Blind  
 122 Services and the Division of Vocational Rehabilitation to assess  
 123 the need for resources and assistance to enable each school,  
 124 institution, or satellite office to reopen as soon as possible  
 125 after considering the health, safety, and welfare of students

126 and clients.

127 Section 2. Subsection (6) of section 1001.51, Florida  
128 Statutes, is amended to read:

129 1001.51 Duties and responsibilities of district school  
130 superintendent.—The district school superintendent shall  
131 exercise all powers and perform all duties listed below and  
132 elsewhere in the law, provided that, in so doing, he or she  
133 shall advise and counsel with the district school board. The  
134 district school superintendent shall perform all tasks necessary  
135 to make sound recommendations, nominations, proposals, and  
136 reports required by law to be acted upon by the district school  
137 board. All such recommendations, nominations, proposals, and  
138 reports by the district school superintendent shall be either  
139 recorded in the minutes or shall be made in writing, noted in  
140 the minutes, and filed in the public records of the district  
141 school board. It shall be presumed that, in the absence of the  
142 record required in this section, the recommendations,  
143 nominations, and proposals required of the district school  
144 superintendent were not contrary to the action taken by the  
145 district school board in such matters.

146 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS,  
147 CLASSES, AND SERVICES.—Recommend the establishment,  
148 organization, and operation of such schools, classes, and  
149 services as are needed to provide adequate educational  
150 opportunities for all children in the district.

151        (a) Recommendations may include the organization and  
152 operation of schools to create the optimal learning environment  
153 to address the academic needs of students by giving  
154 instructional personnel freedom from burdensome regulations. To  
155 avoid any conflict of interest regarding the review, approval,  
156 and oversight of the school, members of the governing board may  
157 not be employees of the school district or any school operated  
158 by the governing board. Any school in which all instructional  
159 personnel are employees of an independent governing board shall  
160 operate in accordance with:

161            1. The contract between the independent governing board  
162 and the school board; and

163            2. The exemptions from law provided in s. 1011.6202(3)(a)  
164 and (b).

165            (b) For the purposes of tort liability, the independent  
166 governing board, schools operated by the independent governing  
167 board, and its employees or agents shall be governed by s.  
168 768.28. The school board shall not be liable for civil damages  
169 under state law for the employment actions or personal injury,  
170 property damage, or death resulting from an act or omission of  
171 an independent governing board, a school operated by the  
172 independent governing board, and its employees or agents.

173            (c) A school operated by the independent governing board  
174 may be a private or a public employer. As a public employer, the  
175 school may participate in the Florida Retirement System upon

176 application and approval as a covered group under s.  
177 121.021(34). If the school participates in the Florida  
178 Retirement System, the school's employees shall be compulsory  
179 members of the Florida Retirement System.

180 Section 3. Paragraph (a) of subsection (2) of section  
181 1013.28, Florida Statutes, is amended to read:

182 1013.28 Disposal of property.—

183 (2) TANGIBLE PERSONAL PROPERTY.—

184 (a) Tangible personal property that has been properly  
185 classified as surplus by a district school board or Florida  
186 College System institution board of trustees shall be disposed  
187 of in accordance with the procedure established by chapter 274.  
188 However, the provisions of chapter 274 shall not be applicable  
189 to a motor vehicle used in driver education to which title is  
190 obtained for a token amount from an automobile dealer or  
191 manufacturer. In such cases, the disposal of the vehicle shall  
192 be as prescribed in the contractual agreement between the  
193 automotive agency or manufacturer and the board. Tangible  
194 personal property that has been properly classified as surplus,  
195 marked for disposal, or otherwise unused by a district school  
196 board shall be provided for a charter school's use on the same  
197 basis as it is made available to other public schools in the  
198 district. A charter school receiving property from the school  
199 district may not sell or dispose of such property without  
200 written permission of the school district.



201 Section 4. Paragraphs (a) and (d) of subsection (3) and  
202 paragraph (a) of subsection (8) of section 1008.22, Florida  
203 Statutes, are amended to read:

204 1008.22 Student assessment program for public schools.—

205 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
206 Commissioner of Education shall design and implement a  
207 statewide, standardized assessment program aligned to the core  
208 curricular content established in the Next Generation Sunshine  
209 State Standards. The commissioner also must develop or select  
210 and implement a common battery of assessment tools that will be  
211 used in all juvenile justice education programs in the state.  
212 These tools must accurately measure the core curricular content  
213 established in the Next Generation Sunshine State Standards.  
214 Participation in the assessment program is mandatory for all  
215 school districts and all students attending public schools,  
216 including adult students seeking a standard high school diploma  
217 under s. 1003.4282 and students in Department of Juvenile  
218 Justice education programs, except as otherwise provided by law.  
219 If a student does not participate in the assessment program, the  
220 school district must notify the student's parent and provide the  
221 parent with information regarding the implications of such  
222 nonparticipation. The statewide, standardized assessment program  
223 shall be designed and implemented as follows:

224 (a) Statewide, standardized comprehensive assessments.—The  
225 statewide, standardized Reading assessment shall be administered

226 annually in grades 3 through 10. The statewide, standardized  
227 Writing assessment shall be administered annually at least once  
228 at the elementary, middle, and high school levels. When the  
229 Reading and Writing assessments are replaced by English Language  
230 Arts (ELA) assessments, ELA assessments shall be administered to  
231 students in grades 3 through 10. Retake opportunities for the  
232 grade 10 Reading assessment or, upon implementation, the grade  
233 10 ELA assessment must be provided. Students taking the ELA  
234 assessments shall not take the statewide, standardized  
235 assessments in Reading or Writing. Reading passages and writing  
236 prompts for ELA assessments shall incorporate grade-level core  
237 curricula content from social studies ~~be administered online.~~  
238 The statewide, standardized Mathematics assessments shall be  
239 administered annually in grades 3 through 8. Students taking a  
240 revised Mathematics assessment shall not take the discontinued  
241 assessment. The statewide, standardized Science assessment shall  
242 be administered annually at least once at the elementary and  
243 middle grades levels. In order to earn a standard high school  
244 diploma, a student who has not earned a passing score on the  
245 grade 10 Reading assessment or, upon implementation, the grade  
246 10 ELA assessment must earn a passing score on the assessment  
247 retake or earn a concordant score as authorized under subsection  
248 (9).

249 (d) Implementation schedule.—

250 1. The Commissioner of Education shall establish and

251 publish on the department's website an implementation schedule  
252 to transition from the statewide, standardized Reading and  
253 Writing assessments to the ELA assessments and to the revised  
254 Mathematics assessments, including the Algebra I and Geometry  
255 EOC assessments. The schedule must take into consideration  
256 funding, sufficient field and baseline data, access to  
257 assessments, instructional alignment, and school district  
258 readiness to administer the assessments online. All such  
259 assessments must be delivered through computer-based testing,  
260 ~~however, the following assessments must be delivered in a~~  
261 ~~computer-based format, as follows: the grade 3 Mathematics~~  
262 ~~assessment beginning in the 2016-2017 school year; the grade 4~~  
263 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~  
264 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~  
265 ~~school year.~~ Notwithstanding the requirements of this  
266 subparagraph, statewide, standardized ELA and mathematics  
267 assessments in grades 3 through 8 ~~6~~ must be delivered only in a  
268 paper-based format, ~~beginning with the 2017-2018 school year,~~  
269 ~~and all such assessments must be paper-based~~ no later than the  
270 2018-2019 school year.

271 2. The Department of Education shall publish minimum and  
272 recommended technology requirements that include specifications  
273 for hardware, software, networking, security, and broadband  
274 capacity to facilitate school district compliance with the  
275 requirements of this section.

276 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in  
 277 the statewide assessment program, in any procurement for the ELA  
 278 assessment in grades 3 through 10 and the mathematics assessment  
 279 in grades 3 through 8, the Department of Education shall solicit  
 280 cost proposals for publication of the state assessments on its  
 281 website in accordance with this subsection.

282 (a) The department shall publish each assessment  
 283 administered under paragraph (3)(a) and subparagraph (3)(b)1.,  
 284 excluding assessment retakes, at least once on a triennial basis  
 285 pursuant to a schedule determined by the Commissioner of  
 286 Education. Each assessment, when published, must have been  
 287 administered during the most recent school year and be in a  
 288 format that facilitates the sharing of assessment items.

289 Section 5. Paragraphs (d) through (g) of subsection (8) of  
 290 section 1002.33, Florida Statutes, are redesignated as  
 291 paragraphs (c) through (f), and paragraph (b) of subsection (6),  
 292 paragraphs (a) and (e) of subsection (7), present paragraphs  
 293 (a), (b), and (c) of subsection (8), paragraph (n) of subsection  
 294 (9), and paragraph (b) of subsection (20) of that section are  
 295 amended to read:

296 1002.33 Charter schools.—

297 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
 298 applications are subject to the following requirements:

299 (b) A sponsor shall receive and review all applications  
 300 for a charter school using the evaluation instrument developed

301 | by the Department of Education. A sponsor shall receive and  
302 | consider charter school applications received on or before  
303 | August 1 of each calendar year for charter schools to be opened  
304 | at the beginning of the school district's next school year, or  
305 | to be opened at a time agreed to by the applicant and the  
306 | sponsor. A sponsor may not refuse to receive a charter school  
307 | application submitted before August 1 and may receive an  
308 | application submitted later than August 1 if it chooses.  
309 | Beginning in 2018 and thereafter, a sponsor shall receive and  
310 | consider charter school applications received on or before  
311 | February 1 of each calendar year for charter schools to be  
312 | opened 18 months later at the beginning of the school district's  
313 | school year, or to be opened at a time agreed to by the  
314 | applicant and the sponsor. A sponsor may not refuse to receive a  
315 | charter school application submitted before February 1 and may  
316 | receive an application submitted later than February 1 if it  
317 | chooses. A sponsor may not charge an applicant for a charter any  
318 | fee for the processing or consideration of an application, and a  
319 | sponsor may not base its consideration or approval of a final  
320 | application upon the promise of future payment of any kind.  
321 | Before approving or denying any application, the sponsor shall  
322 | allow the applicant, upon receipt of written notification, at  
323 | least 7 calendar days to make technical or nonsubstantive  
324 | corrections and clarifications, including, but not limited to,  
325 | corrections of grammatical, typographical, and like errors or

326 missing signatures, if such errors are identified by the sponsor  
327 as cause to deny the final application.

328 1. In order to facilitate an accurate budget projection  
329 process, a sponsor shall be held harmless for FTE students who  
330 are not included in the FTE projection due to approval of  
331 charter school applications after the FTE projection deadline.  
332 In a further effort to facilitate an accurate budget projection,  
333 within 15 calendar days after receipt of a charter school  
334 application, a sponsor shall report to the Department of  
335 Education the name of the applicant entity, the proposed charter  
336 school location, and its projected FTE.

337 2. In order to ensure fiscal responsibility, an  
338 application for a charter school shall include a full accounting  
339 of expected assets, a projection of expected sources and amounts  
340 of income, including income derived from projected student  
341 enrollments and from community support, and an expense  
342 projection that includes full accounting of the costs of  
343 operation, including start-up costs.

344 3.a. A sponsor shall by a majority vote approve or deny an  
345 application no later than 90 calendar days after the application  
346 is received, unless the sponsor and the applicant mutually agree  
347 in writing to temporarily postpone the vote to a specific date,  
348 at which time the sponsor shall by a majority vote approve or  
349 deny the application. If the sponsor fails to act on the  
350 application, an applicant may appeal to the State Board of

351 Education as provided in paragraph (c). If an application is  
 352 denied, the sponsor shall, within 10 calendar days after such  
 353 denial, articulate in writing the specific reasons, based upon  
 354 good cause, supporting its denial of the application and shall  
 355 provide the letter of denial and supporting documentation to the  
 356 applicant and to the Department of Education.

357 b. An application submitted by a high-performing charter  
 358 school identified pursuant to s. 1002.331 or a high-performing  
 359 charter school system identified pursuant to s. 1002.332 may be  
 360 denied by the sponsor only if the sponsor demonstrates by clear  
 361 and convincing evidence that:

362 (I) The application does not materially comply with the  
 363 requirements in paragraph (a) or, for a high-performing charter  
 364 school system, the application does not materially comply with  
 365 s. 1002.332(2)(b);

366 (II) The charter school proposed in the application does  
 367 not materially comply with the requirements in paragraphs  
 368 (9)(a)-(f);

369 (III) The proposed charter school's educational program  
 370 does not substantially replicate that of the applicant or one of  
 371 the applicant's high-performing charter schools;

372 (IV) The applicant has made a material misrepresentation  
 373 or false statement or concealed an essential or material fact  
 374 during the application process; or

375 (V) The proposed charter school's educational program and

376 financial management practices do not materially comply with the  
377 requirements of this section.

378  
379 Material noncompliance is a failure to follow requirements or a  
380 violation of prohibitions applicable to charter school  
381 applications, which failure is quantitatively or qualitatively  
382 significant either individually or when aggregated with other  
383 noncompliance. An applicant is considered to be replicating a  
384 high-performing charter school if the proposed school is  
385 substantially similar to at least one of the applicant's high-  
386 performing charter schools and the organization or individuals  
387 involved in the establishment and operation of the proposed  
388 school are significantly involved in the operation of replicated  
389 schools.

390 c. If the sponsor denies an application submitted by a  
391 high-performing charter school or a high-performing charter  
392 school system, the sponsor must, within 10 calendar days after  
393 such denial, state in writing the specific reasons, based upon  
394 the criteria in sub-subparagraph b., supporting its denial of  
395 the application and must provide the letter of denial and  
396 supporting documentation to the applicant and to the Department  
397 of Education. The applicant may appeal the sponsor's denial of  
398 the application in accordance with paragraph (c).

399 4. For budget projection purposes, the sponsor shall  
400 report to the Department of Education the approval or denial of



401 an application within 10 calendar days after such approval or  
402 denial. In the event of approval, the report to the Department  
403 of Education shall include the final projected FTE for the  
404 approved charter school.

405 5. Upon approval of an application, the initial startup  
406 shall commence with the beginning of the public school calendar  
407 for the district in which the charter is granted. A charter  
408 school may defer the opening of the school's operations for up  
409 to 3 ~~2~~ years to provide time for adequate facility planning. The  
410 charter school must provide written notice of such intent to the  
411 sponsor and the parents of enrolled students at least 30  
412 calendar days before the first day of school.

413 (7) CHARTER.—The terms and conditions for the operation of  
414 a charter school shall be set forth by the sponsor and the  
415 applicant in a written contractual agreement, called a charter.  
416 The sponsor and the governing board of the charter school shall  
417 use the standard charter contract pursuant to subsection (21),  
418 which shall incorporate the approved application and any addenda  
419 approved with the application. Any term or condition of a  
420 proposed charter contract that differs from the standard charter  
421 contract adopted by rule of the State Board of Education shall  
422 be presumed a limitation on charter school flexibility. The  
423 sponsor may not impose unreasonable rules or regulations that  
424 violate the intent of giving charter schools greater flexibility  
425 to meet educational goals. The charter shall be signed by the

426 governing board of the charter school and the sponsor, following  
427 a public hearing to ensure community input.

428 (a) The charter shall address and criteria for approval of  
429 the charter shall be based on:

430 1. The school's mission, the students to be served, and  
431 the ages and grades to be included.

432 2. The focus of the curriculum, the instructional methods  
433 to be used, any distinctive instructional techniques to be  
434 employed, and identification and acquisition of appropriate  
435 technologies needed to improve educational and administrative  
436 performance which include a means for promoting safe, ethical,  
437 and appropriate uses of technology which comply with legal and  
438 professional standards.

439 a. The charter shall ensure that reading is a primary  
440 focus of the curriculum and that resources are provided to  
441 identify and provide specialized instruction for students who  
442 are reading below grade level. The curriculum and instructional  
443 strategies for reading must be consistent with the Next  
444 Generation Sunshine State Standards and grounded in  
445 scientifically based reading research.

446 b. In order to provide students with access to diverse  
447 instructional delivery models, to facilitate the integration of  
448 technology within traditional classroom instruction, and to  
449 provide students with the skills they need to compete in the  
450 21st century economy, the Legislature encourages instructional

451 methods for blended learning courses consisting of both  
452 traditional classroom and online instructional techniques.  
453 Charter schools may implement blended learning courses which  
454 combine traditional classroom instruction and virtual  
455 instruction. Students in a blended learning course must be full-  
456 time students of the charter school pursuant to s.  
457 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
458 1012.55 who provide virtual instruction for blended learning  
459 courses may be employees of the charter school or may be under  
460 contract to provide instructional services to charter school  
461 students. At a minimum, such instructional personnel must hold  
462 an active state or school district adjunct certification under  
463 s. 1012.57 for the subject area of the blended learning course.  
464 The funding and performance accountability requirements for  
465 blended learning courses are the same as those for traditional  
466 courses.

467 3. The current incoming baseline standard of student  
468 academic achievement, the outcomes to be achieved, and the  
469 method of measurement that will be used. The criteria listed in  
470 this subparagraph shall include a detailed description of:

471 a. How the baseline student academic achievement levels  
472 and prior rates of academic progress will be established.

473 b. How these baseline rates will be compared to rates of  
474 academic progress achieved by these same students while  
475 attending the charter school.

476 c. To the extent possible, how these rates of progress  
477 will be evaluated and compared with rates of progress of other  
478 closely comparable student populations.

479  
480 The district school board is required to provide academic  
481 student performance data to charter schools for each of their  
482 students coming from the district school system, as well as  
483 rates of academic progress of comparable student populations in  
484 the district school system.

485 4. The methods used to identify the educational strengths  
486 and needs of students and how well educational goals and  
487 performance standards are met by students attending the charter  
488 school. The methods shall provide a means for the charter school  
489 to ensure accountability to its constituents by analyzing  
490 student performance data and by evaluating the effectiveness and  
491 efficiency of its major educational programs. Students in  
492 charter schools shall, at a minimum, participate in the  
493 statewide assessment program created under s. 1008.22.

494 5. In secondary charter schools, a method for determining  
495 that a student has satisfied the requirements for graduation in  
496 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

497 6. A method for resolving conflicts between the governing  
498 board of the charter school and the sponsor.

499 7. The admissions procedures and dismissal procedures,  
500 including the school's code of student conduct. Admission or

501 dismissal must not be based on a student's academic performance.

502 8. The ways by which the school will achieve a  
503 racial/ethnic balance reflective of the community it serves or  
504 within the racial/ethnic range of other public schools in the  
505 same school district.

506 9. The financial and administrative management of the  
507 school, including a reasonable demonstration of the professional  
508 experience or competence of those individuals or organizations  
509 applying to operate the charter school or those hired or  
510 retained to perform such professional services and the  
511 description of clearly delineated responsibilities and the  
512 policies and practices needed to effectively manage the charter  
513 school. A description of internal audit procedures and  
514 establishment of controls to ensure that financial resources are  
515 properly managed must be included. Both public sector and  
516 private sector professional experience shall be equally valid in  
517 such a consideration.

518 10. The asset and liability projections required in the  
519 application which are incorporated into the charter and shall be  
520 compared with information provided in the annual report of the  
521 charter school.

522 11. A description of procedures that identify various  
523 risks and provide for a comprehensive approach to reduce the  
524 impact of losses; plans to ensure the safety and security of  
525 students and staff; plans to identify, minimize, and protect

526 | others from violent or disruptive student behavior; and the  
527 | manner in which the school will be insured, including whether or  
528 | not the school will be required to have liability insurance,  
529 | and, if so, the terms and conditions thereof and the amounts of  
530 | coverage.

531 |       12. The term of the charter which shall provide for  
532 | cancellation of the charter if insufficient progress has been  
533 | made in attaining the student achievement objectives of the  
534 | charter and if it is not likely that such objectives can be  
535 | achieved before expiration of the charter. The initial term of a  
536 | charter shall be for ~~4- or~~ 5 years, excluding 1 planning year. In  
537 | order to facilitate access to long-term financial resources for  
538 | charter school construction, charter schools that are operated  
539 | by a municipality or other public entity as provided by law are  
540 | eligible for up to a 15-year charter, subject to approval by the  
541 | district school board. A charter lab school is eligible for a  
542 | charter for a term of up to 15 years. In addition, to facilitate  
543 | access to long-term financial resources for charter school  
544 | construction, charter schools that are operated by a private,  
545 | not-for-profit, s. 501(c)(3) status corporation are eligible for  
546 | up to a 15-year charter, subject to approval by the district  
547 | school board. Such long-term charters remain subject to annual  
548 | review and may be terminated during the term of the charter, but  
549 | only according to the provisions set forth in subsection (8).

550 |       13. The facilities to be used and their location. The

551 sponsor may not require a charter school to have a certificate  
552 of occupancy or a temporary certificate of occupancy for such a  
553 facility earlier than 15 calendar days before the first day of  
554 school.

555 14. The qualifications to be required of the teachers and  
556 the potential strategies used to recruit, hire, train, and  
557 retain qualified staff to achieve best value.

558 15. The governance structure of the school, including the  
559 status of the charter school as a public or private employer as  
560 required in paragraph (12) (i).

561 16. A timetable for implementing the charter which  
562 addresses the implementation of each element thereof and the  
563 date by which the charter shall be awarded in order to meet this  
564 timetable.

565 17. In the case of an existing public school that is being  
566 converted to charter status, alternative arrangements for  
567 current students who choose not to attend the charter school and  
568 for current teachers who choose not to teach in the charter  
569 school after conversion in accordance with the existing  
570 collective bargaining agreement or district school board rule in  
571 the absence of a collective bargaining agreement. However,  
572 alternative arrangements shall not be required for current  
573 teachers who choose not to teach in a charter lab school, except  
574 as authorized by the employment policies of the state university  
575 which grants the charter to the lab school.

576 18. Full disclosure of the identity of all relatives  
577 employed by the charter school who are related to the charter  
578 school owner, president, chairperson of the governing board of  
579 directors, superintendent, governing board member, principal,  
580 assistant principal, or any other person employed by the charter  
581 school who has equivalent decisionmaking authority. For the  
582 purpose of this subparagraph, the term "relative" means father,  
583 mother, son, daughter, brother, sister, uncle, aunt, first  
584 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
585 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
586 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
587 stepsister, half brother, or half sister.

588 19. Implementation of the activities authorized under s.  
589 1002.331 by the charter school when it satisfies the eligibility  
590 requirements for a high-performing charter school. A high-  
591 performing charter school shall notify its sponsor in writing by  
592 March 1 if it intends to increase enrollment or expand grade  
593 levels the following school year. The written notice shall  
594 specify the amount of the enrollment increase and the grade  
595 levels that will be added, as applicable.

596 (e) A charter may be terminated by a charter school's  
597 governing board through voluntary closure. The decision to cease  
598 operations must be determined at a public meeting. The governing  
599 board shall notify the parents and sponsor of the public meeting  
600 in writing before the public meeting. The governing board must



601 notify the sponsor, parents of enrolled students, and the  
602 department in writing within 24 hours after the public meeting  
603 of its determination. The notice shall state the charter  
604 school's intent to continue operations or the reason for the  
605 closure and acknowledge that the governing board agrees to  
606 follow the procedures for dissolution and reversion of public  
607 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) ~~paragraphs~~  
608 ~~(8) (e)-(g) and (9) (o)~~.

609 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

610 (a) The sponsor shall make student academic achievement  
611 for all students the most important factor when determining  
612 whether to renew or terminate the charter. The sponsor may also  
613 choose not to renew or may terminate the charter if the sponsor  
614 finds that one of the grounds set forth below exists by clear  
615 and convincing evidence ~~for any of the following grounds:~~

616 1. Failure to participate in the state's education  
617 accountability system created in s. 1008.31, as required in this  
618 section, or failure to meet the requirements for student  
619 performance stated in the charter.

620 2. Failure to meet generally accepted standards of fiscal  
621 management.

622 3. Material violation of law.

623 4. Other good cause shown.

624 (b) At least 90 days before renewing, nonrenewing, or  
625 terminating a charter, the sponsor shall notify the governing

626 board of the school of the proposed action in writing. The  
627 notice shall state in reasonable detail the grounds for the  
628 proposed action and stipulate that the school's governing board  
629 may, within 14 calendar days after receiving the notice, request  
630 a hearing. The hearing shall be conducted ~~at the sponsor's~~  
631 ~~election in accordance with one of the following procedures:~~

632 1. ~~A direct hearing conducted by the sponsor within 60~~  
633 ~~days after receipt of the request for a hearing. The hearing~~  
634 ~~shall be conducted in accordance with ss. 120.569 and 120.57.~~  
635 ~~The sponsor shall decide upon nonrenewal or termination by a~~  
636 ~~majority vote. The sponsor's decision shall be a final order; or~~

637 2. ~~A hearing conducted by an administrative law judge~~  
638 ~~assigned by the Division of Administrative Hearings. The hearing~~  
639 ~~shall be conducted within 90 60 days after receipt of the~~  
640 ~~request for a hearing and in accordance with chapter 120. The~~  
641 ~~administrative law judge's final ~~recommended~~ order shall be~~  
642 ~~submitted to the sponsor. The administrative law judge shall~~  
643 ~~award the prevailing party reasonable attorney fees and costs~~  
644 ~~incurred during the administrative proceeding and any appeals A~~  
645 ~~majority vote by the sponsor shall be required to adopt or~~  
646 ~~modify the administrative law judge's recommended order. The~~  
647 ~~sponsor shall issue a final order.~~

648 ~~(c) The final order shall state the specific reasons for~~  
649 ~~the sponsor's decision. The sponsor shall provide its final~~  
650 ~~order to the charter school's governing board and the Department~~

651 ~~of Education no later than 10 calendar days after its issuance.~~  
652 The charter school's governing board may, within 30 calendar  
653 days after receiving the ~~sponsor's~~ final order, appeal the  
654 decision pursuant to s. 120.68.

655 (9) CHARTER SCHOOL REQUIREMENTS.—

656 (n)1. The director and a representative of the governing  
657 board of a charter school that has earned a grade of "D" or "F"  
658 pursuant to s. 1008.34 shall appear before the sponsor to  
659 present information concerning each contract component having  
660 noted deficiencies. The director and a representative of the  
661 governing board shall submit to the sponsor for approval a  
662 school improvement plan to raise student performance. Upon  
663 approval by the sponsor, the charter school shall begin  
664 implementation of the school improvement plan. The department  
665 shall offer technical assistance and training to the charter  
666 school and its governing board and establish guidelines for  
667 developing, submitting, and approving such plans.

668 2.a. If a charter school earns three consecutive grades  
669 below a "C," the charter school governing board shall choose one  
670 of the following corrective actions:

671 (I) Contract for educational services to be provided  
672 directly to students, instructional personnel, and school  
673 administrators, as prescribed in state board rule;

674 (II) Contract with an outside entity that has a  
675 demonstrated record of effectiveness to operate the school;

676 (III) Reorganize the school under a new director or  
677 principal who is authorized to hire new staff; or  
678 (IV) Voluntarily close the charter school.

679 b. The charter school must implement the corrective action  
680 in the school year following receipt of a third consecutive  
681 grade below a "C."

682 c. The sponsor may annually waive a corrective action if  
683 it determines that the charter school is likely to improve a  
684 letter grade if additional time is provided to implement the  
685 intervention and support strategies prescribed by the school  
686 improvement plan. Notwithstanding this sub-subparagraph, a  
687 charter school that earns a second consecutive grade of "F" is  
688 subject to subparagraph 3.

689 d. A charter school is no longer required to implement a  
690 corrective action if it improves to a "C" or higher. However,  
691 the charter school must continue to implement strategies  
692 identified in the school improvement plan. The sponsor must  
693 annually review implementation of the school improvement plan to  
694 monitor the school's continued improvement pursuant to  
695 subparagraph 4.

696 e. A charter school implementing a corrective action that  
697 does not improve to a "C" or higher after 2 full school years of  
698 implementing the corrective action must select a different  
699 corrective action. Implementation of the new corrective action  
700 must begin in the school year following the implementation

701 period of the existing corrective action, unless the sponsor  
702 determines that the charter school is likely to improve to a "C"  
703 or higher if additional time is provided to implement the  
704 existing corrective action. Notwithstanding this sub-  
705 subparagraph, a charter school that earns a second consecutive  
706 grade of "F" while implementing a corrective action is subject  
707 to subparagraph 3.

708 3. A charter school's charter contract is automatically  
709 terminated if the school earns two consecutive grades of "F"  
710 after all school grade appeals are final unless:

711 a. The charter school is established to turn around the  
712 performance of a district public school pursuant to s.  
713 1008.33(4)(b)2. Such charter schools shall be governed by s.  
714 1008.33;

715 b. The charter school serves a student population the  
716 majority of which resides in a school zone served by a district  
717 public school subject to s. 1008.33(4) and the charter school  
718 earns at least a grade of "D" in its third year of operation.  
719 The exception provided under this sub-subparagraph does not  
720 apply to a charter school in its fourth year of operation and  
721 thereafter; or

722 c. The state board grants the charter school a waiver of  
723 termination. The charter school must request the waiver within  
724 15 days after the department's official release of school  
725 grades. The state board may waive termination if the charter

726 school demonstrates that the Learning Gains of its students on  
727 statewide assessments are comparable to or better than the  
728 Learning Gains of similarly situated students enrolled in nearby  
729 district public schools. The waiver is valid for 1 year and may  
730 only be granted once. Charter schools that have been in  
731 operation for more than 5 years are not eligible for a waiver  
732 under this sub-subparagraph.

733

734 The sponsor shall notify the charter school's governing board,  
735 the charter school principal, and the department in writing when  
736 a charter contract is terminated under this subparagraph. ~~The~~  
737 ~~letter of termination must meet the requirements of paragraph~~  
738 ~~(8)(e)~~. A charter terminated under this subparagraph must follow  
739 the procedures for dissolution and reversion of public funds  
740 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)~~  
741 ~~(g) and (9)(e)~~.

742 4. The director and a representative of the governing  
743 board of a graded charter school that has implemented a school  
744 improvement plan under this paragraph shall appear before the  
745 sponsor at least once a year to present information regarding  
746 the progress of intervention and support strategies implemented  
747 by the school pursuant to the school improvement plan and  
748 corrective actions, if applicable. The sponsor shall communicate  
749 at the meeting, and in writing to the director, the services  
750 provided to the school to help the school address its

751 deficiencies.

752 5. Notwithstanding any provision of this paragraph except  
753 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter  
754 at any time pursuant to subsection (8).

755 (20) SERVICES.—

756 (b) If goods and services are made available to the  
757 charter school through the contract with the school district,  
758 they shall be provided to the charter school at a rate no  
759 greater than the district's actual cost unless mutually agreed  
760 upon by the charter school and the sponsor in a contract  
761 negotiated separately from the charter. When mediation has  
762 failed to resolve disputes over contracted services or  
763 contractual matters not included in the charter, an appeal may  
764 be made to an administrative law judge appointed by the Division  
765 of Administrative Hearings. The administrative law judge has  
766 final order authority to rule on the dispute. The administrative  
767 law judge shall award the prevailing party reasonable attorney  
768 fees and costs incurred during the mediation process,  
769 administrative proceeding, and any appeals, to be paid by the  
770 party whom the administrative law judge rules against ~~for a~~  
771 ~~dispute resolution hearing before the Charter School Appeal~~  
772 ~~Commission.~~ To maximize the use of state funds, school districts  
773 shall allow charter schools to participate in the sponsor's bulk  
774 purchasing program if applicable.

775 Section 6. Section 1012.562, Florida Statutes, is amended

776 to read:

777           1012.562 Public accountability and state approval of  
778 school leader preparation programs.—The Department of Education  
779 shall establish a process for the approval of Level I and Level  
780 II school leader preparation programs that will enable aspiring  
781 school leaders to obtain their certificate in educational  
782 leadership under s. 1012.56. School leader preparation programs  
783 must be competency-based, aligned to the principal leadership  
784 standards adopted by the state board, and open to individuals  
785 employed by public schools, including charter schools and  
786 virtual schools. Level I programs ~~may be offered by school~~  
787 ~~districts or postsecondary institutions~~ and lead to initial  
788 certification in educational leadership for the purpose of  
789 preparing individuals to serve as school administrators. Level  
790 II programs ~~may be offered by school districts,~~ build upon Level  
791 I training~~,~~ and lead to renewal certification as a school  
792 principal.

793           (1) PURPOSE.—The purpose of school leader preparation  
794 programs are to:

795           (a) Increase the supply of effective school leaders in the  
796 public schools of this state.

797           (b) Produce school leaders who are prepared to lead the  
798 state's diverse student population in meeting high standards for  
799 academic achievement.

800           (c) Enable school leaders to facilitate the development



801 and retention of effective and highly effective classroom  
 802 teachers.

803 (d) Produce leaders with the competencies and skills  
 804 necessary to achieve the state's education goals.

805 (e) Sustain the state system of school improvement and  
 806 education accountability.

807 (2) LEVEL I PROGRAMS.—

808 (a) Initial approval of a Level I program shall be for a  
 809 period of 5 years. A postsecondary institution, ~~or~~ school  
 810 district, charter school, or charter management organization may  
 811 submit to the department in a format prescribed by the  
 812 department an application to establish a Level I school leader  
 813 preparation program. To be approved, a Level I program must:

814 1. Provide competency-based training aligned to the  
 815 principal leadership standards adopted by the State Board of  
 816 Education.

817 2. If the program is provided by a postsecondary  
 818 institution, partner with at least one school district.

819 3. Describe the qualifications that will be used to  
 820 determine program admission standards, including a candidate's  
 821 instructional expertise and leadership potential.

822 4. Describe how the training provided through the program  
 823 will be aligned to the personnel evaluation criteria under s.  
 824 1012.34.

825 (b) Renewal of a Level I program's approval shall be for a

826 | period of 5 years and shall be based upon evidence of the  
827 | program's continued ability to meet the requirements of  
828 | paragraph (a). A postsecondary institution or school district  
829 | must submit an institutional program evaluation plan in a format  
830 | prescribed by the department for a Level I program to be  
831 | considered for renewal. The plan must include:

832 |       1. The percentage of personnel who complete the program  
833 | and are placed in school leadership positions in public schools  
834 | within the state.

835 |       2. Results from the personnel evaluations required under  
836 | s. 1012.34 for personnel who complete the program.

837 |       3. The passage rate of personnel who complete the program  
838 | on the Florida Education Leadership Examination.

839 |       4. The impact personnel who complete the program have on  
840 | student learning as measured by the formulas developed by the  
841 | commissioner pursuant to s. 1012.34(7).

842 |       5. Strategies for continuous improvement of the program.

843 |       6. Strategies for involving personnel who complete the  
844 | program, other school personnel, community agencies, business  
845 | representatives, and other stakeholders in the program  
846 | evaluation process.

847 |       7. Additional data included at the discretion of the  
848 | postsecondary institution or school district.

849 |       (c) A Level I program must guarantee the high quality of  
850 | personnel who complete the program for the first 2 years after

851 program completion or the person's initial certification as a  
852 school leader, whichever occurs first. If a person who completed  
853 the program is evaluated at less than highly effective or  
854 effective under s. 1012.34 and the person's employer requests  
855 additional training, the Level I program must provide additional  
856 training at no cost to the person or his or her employer. The  
857 training must include the creation of an individualized plan  
858 agreed to by the employer that includes specific learning  
859 outcomes. The Level I program is not responsible for the  
860 person's employment contract with his or her employer.

861 (3) LEVEL II PROGRAMS.—Initial approval and subsequent  
862 renewal of a Level II program shall be for a period of 5 years.  
863 A school district, charter school, or charter management  
864 organization may submit to the department in a format prescribed  
865 by the department an application to establish a Level II school  
866 leader preparation program or for program renewal. To be  
867 approved or renewed, a Level II program must:

868 (a) Demonstrate that personnel accepted into the Level II  
869 program have:

870 1. Obtained their certificate in educational leadership  
871 under s. 1012.56.

872 2. Earned a highly effective or effective designation  
873 under s. 1012.34.

874 3. Satisfactorily performed instructional leadership  
875 responsibilities as measured by the evaluation system in s.

876 | 1012.34.

877 |       (b) Demonstrate that the Level II program:

878 |       1. Provides competency-based training aligned to the  
879 | principal leadership standards adopted by the State Board of  
880 | Education.

881 |       2. Provides training aligned to the personnel evaluation  
882 | criteria under s. 1012.34 and professional development program  
883 | in s. 1012.986.

884 |       3. Provides individualized instruction using a customized  
885 | learning plan for each person enrolled in the program that is  
886 | based on data from self-assessment, selection, and appraisal  
887 | instruments.

888 |       4. Conducts program evaluations and implements program  
889 | improvements using input from personnel who completed the  
890 | program and employers and data gathered pursuant to paragraph  
891 | (2) (b) .

892 |       (c) Gather and monitor the data specified in paragraph  
893 | (2) (b) .

894 |       (4) RULES.—The State Board of Education shall adopt rules  
895 | to administer this section.

896 |       Section 7. Section 1011.6202, Florida Statutes, is amended  
897 | to read:

898 |       1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The  
899 | Principal Autonomy ~~Pilot~~ Program Initiative is created within  
900 | the Department of Education. The purpose of the ~~pilot~~ program is

901 to provide a ~~the~~ highly effective principal of a participating  
902 school with increased autonomy and authority to operate his or  
903 her school, as well as other schools, in a way that produces  
904 significant improvements in student achievement and school  
905 management while complying with constitutional requirements. The  
906 State Board of Education may, upon approval of a principal  
907 autonomy proposal, enter into a performance contract with the ~~up~~  
908 ~~to seven~~ district school board ~~boards~~ for participation in the  
909 ~~pilot~~ program.

910 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the  
911 2018-2019 school year, contingent upon available funds, and on a  
912 first-come, first-served basis, a ~~The~~ district school board  
913 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~  
914 ~~Pinellas, and Seminole Counties~~ may submit, no later than  
915 December 1, to the state board for approval a principal autonomy  
916 proposal that exchanges statutory and rule exemptions for an  
917 agreement to meet performance goals established in the proposal.  
918 If approved by the state board, the ~~each of these~~ school  
919 district is ~~districts shall be~~ eligible to participate in the  
920 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~  
921 ~~performance of all participating schools in the school district~~  
922 ~~shall be evaluated.~~

923 (2) PRINCIPAL AUTONOMY PROPOSAL.—

924 (a) To participate in the ~~pilot~~ program, a school district  
925 must:

- 926           1. Identify three schools that received at least two  
927 school grades of "D" or "F" pursuant to s. 1008.34 during the  
928 previous 3 school years.
- 929           2. Identify three principals who have earned a highly  
930 effective rating on the prior year's performance evaluation  
931 pursuant to s. 1012.34, one of whom shall be assigned to each of  
932 the participating schools.
- 933           3. Describe the current financial and administrative  
934 management of each participating school; identify the areas in  
935 which each school principal will have increased fiscal and  
936 administrative autonomy, including the authority and  
937 responsibilities provided in s. 1012.28(8); and identify the  
938 areas in which each participating school will continue to follow  
939 district school board fiscal and administrative policies.
- 940           4. Explain the methods used to identify the educational  
941 strengths and needs of the participating school's students and  
942 identify how student achievement can be improved.
- 943           5. Establish performance goals for student achievement, as  
944 defined in s. 1008.34(1), and explain how the increased autonomy  
945 of principals will help participating schools improve student  
946 achievement and school management.
- 947           6. Provide each participating school's mission and a  
948 description of its student population.
- 949           (b) The state board shall establish criteria, which must  
950 include the criteria listed in paragraph (a), for the approval

951 of a principal autonomy proposal.

952 (c) A district school board must submit its principal  
953 autonomy proposal to the state board for approval by December 1  
954 in order to begin participation in the subsequent school year.  
955 By February 28 of the school year in which the proposal is  
956 submitted, the state board shall notify the district school  
957 board in writing whether the proposal is approved.

958 (3) EXEMPTION FROM LAWS.—

959 (a) With the exception of those laws listed in paragraph  
960 (b), a participating school or a school operated by an  
961 independent governing board pursuant to subsection (5) is exempt  
962 from the provisions of chapters 1000-1013 and rules of the state  
963 board that implement those exempt provisions.

964 (b) A participating school or a school operated by an  
965 independent governing board pursuant to subsection (5) shall  
966 comply with the provisions of chapters 1000-1013, and rules of  
967 the state board that implement those provisions, pertaining to  
968 the following:

969 1. Those laws relating to the election and compensation of  
970 district school board members, the election or appointment and  
971 compensation of district school superintendents, public meetings  
972 and public records requirements, financial disclosure, and  
973 conflicts of interest.

974 2. Those laws relating to the student assessment program  
975 and school grading system, including chapter 1008.

- 976           3. Those laws relating to the provision of services to  
 977 students with disabilities.
- 978           4. Those laws relating to civil rights, including s.  
 979 1000.05, relating to discrimination.
- 980           5. Those laws relating to student health, safety, and  
 981 welfare.
- 982           6. Section 1001.42(4)(f), relating to the uniform opening  
 983 date for public schools.
- 984           7. Section 1003.03, governing maximum class size, except  
 985 that the calculation for compliance pursuant to s. 1003.03 is  
 986 the average at the school level for a participating school.
- 987           8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 988 compensation and salary schedules.
- 989           9. Section 1012.33(5), relating to workforce reductions  
 990 for annual contracts for instructional personnel. This  
 991 subparagraph does not apply to at-will employees.
- 992           10. Section 1012.335, relating to annual contracts for  
 993 instructional personnel hired on or after July 1, 2011. This  
 994 subparagraph does not apply to at-will employees.
- 995           11. Section 1012.34, relating to personnel evaluation  
 996 procedures and criteria.
- 997           12. Those laws pertaining to educational facilities,  
 998 including chapter 1013, except that s. 1013.20, relating to  
 999 covered walkways for relocatables, and s. 1013.21, relating to  
 1000 the use of relocatable facilities exceeding 20 years of age, are



1001 eligible for exemption.

1002 13. Those laws pertaining to participating school  
1003 districts, including this section and ss. 1011.69(2) and  
1004 1012.28(8).

1005 (c) A school shall remain exempt, as provided in this  
1006 subsection, beyond the term of the program so long as the school  
1007 receives no grade lower than a "B."

1008 (4) PROFESSIONAL DEVELOPMENT.—Each participating school  
1009 district shall require that the principal of each participating  
1010 school and a designated leadership team selected by the  
1011 principal of the participating school, a three-member leadership  
1012 team from each participating school, and district personnel  
1013 working with each participating school complete a nationally  
1014 recognized school turnaround program which focuses on improving  
1015 leadership, instructional infrastructure, talent management, and  
1016 differentiated support and accountability. The required  
1017 personnel must enroll in the nationally recognized school  
1018 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~  
1019 ~~participating school district shall receive \$100,000 from the~~  
1020 ~~department for participation in the nationally recognized school~~  
1021 ~~turnaround program.~~

1022 (5) DISTRICT-INDEPENDENT AUTONOMOUS SCHOOLS.—To foster  
1023 development of principal autonomy and autonomous schools,  
1024 participating school districts may expand the impact of  
1025 participating principals by allowing participating principals to

1026 manage multiple schools under an independent governing board.  
 1027 (a) A participating principal who successfully completes  
 1028 the training required by subsection (4) may manage one or more  
 1029 schools that are operated by an independent governing board  
 1030 through a contract with the school board. To avoid any conflict  
 1031 of interest regarding the review, approval, and oversight of the  
 1032 school, members of the governing board may not be employees of  
 1033 the school district or any school operated by the governing  
 1034 board.  
 1035 (b) For the purposes of tort liability, the independent  
 1036 governing board, autonomous school, and its employees or agents  
 1037 shall be governed by s. 768.28. The school board shall not be  
 1038 liable for civil damages under state law for the employment  
 1039 actions or personal injury, property damage, or death resulting  
 1040 from an act or omission of an independent governing board,  
 1041 autonomous school, and its employees or agents.  
 1042 (c) An autonomous school may be a private or a public  
 1043 employer. As a public employer, the autonomous school may  
 1044 participate in the Florida Retirement System upon application  
 1045 and approval as a covered group under s. 121.021(34). If an  
 1046 autonomous school participates in the Florida Retirement System,  
 1047 the school's employees shall be compulsory members of the  
 1048 Florida Retirement System.  
 1049 (6)-(5) TERM OF PARTICIPATION.—The state board shall  
 1050 authorize a school district to participate in the ~~pilot~~ program

1051 for a period of 3 years commencing with approval of the  
1052 principal autonomy proposal. ~~Authorization to participate in the~~  
1053 ~~pilot program may be renewed upon action of the state board.~~ The  
1054 state board may revoke authorization to participate in the ~~pilot~~  
1055 program if the school district fails to meet the requirements of  
1056 this section during the 3-year period.

1057 ~~(6) REPORTING. Each participating school district shall~~  
1058 ~~submit an annual report to the state board. The state board~~  
1059 ~~shall annually report on the implementation of the Principal~~  
1060 ~~Autonomy Pilot Program Initiative. Upon completion of the pilot~~  
1061 ~~program's first 3-year term, the Commissioner of Education shall~~  
1062 ~~submit to the President of the Senate and the Speaker of the~~  
1063 ~~House of Representatives by December 1 a full evaluation of the~~  
1064 ~~effectiveness of the pilot program.~~

1065 (7) FUNDING.~~Subject to an annual appropriation, The~~  
1066 ~~Legislature shall provide an appropriation to the department~~  
1067 shall fund for the costs of the ~~pilot~~ program to include the,  
1068 ~~including~~ administrative ~~costs~~ and enrollment costs for the  
1069 nationally recognized school turnaround program required in  
1070 subsection (4), and an ~~additional~~ amount not to exceed of  
1071 \$10,000 for each participating principal in each participating  
1072 district as an annual salary supplement for 3 years, ~~a fund for~~  
1073 ~~the principal's school to be used at the principal's discretion,~~  
1074 ~~or both, as determined by the district.~~ To be eligible for a  
1075 salary supplement under this subsection, a participating

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1076 principal must:

1077 (a) Be rated "highly effective" as determined by the  
1078 principal's performance evaluation under s. 1012.34;

1079 (b) Be transferred to, or manage pursuant to subsection  
1080 (5), a school that earned a grade of "F" or two ~~three~~  
1081 consecutive grades of "D" pursuant to s. 1008.34 and provided  
1082 additional authority and responsibilities pursuant to s.  
1083 1012.28(8); and

1084 (c) Have implemented a turnaround option under s. 1008.33  
1085 ~~s. 1008.33(4)~~ at a school as the school's principal or manager.  
1086 The turnaround option must have resulted in the school improving  
1087 by at least one letter grade while he or she was serving as the  
1088 school's principal or manager.

1089 (8) RULEMAKING.—The State Board of Education shall adopt  
1090 rules to administer this section.

1091 Section 8. Paragraph (b) of subsection (13) and paragraph  
1092 (b) of subsection (24) of section 1007.271, Florida Statutes,  
1093 are amended to read:

1094 1007.271 Dual enrollment programs.—

1095 (13)

1096 (b) Each postsecondary institution eligible to participate  
1097 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
1098 enter into a home education articulation agreement with each  
1099 home education student seeking enrollment in a dual enrollment  
1100 course and the student's parent. By August 1 of each year, the

1101 eligible postsecondary institution shall complete and submit the  
 1102 home education articulation agreement to the Department of  
 1103 Education. The home education articulation agreement must  
 1104 include, at a minimum:

1105         1. A delineation of courses and programs available to  
 1106 dually enrolled home education students. Courses and programs  
 1107 may be added, revised, or deleted at any time by the  
 1108 postsecondary institution.

1109         2. The initial and continued eligibility requirements for  
 1110 home education student participation, not to exceed those  
 1111 required of other dually enrolled students.

1112         3. The student's responsibilities for providing his or her  
 1113 own ~~instructional materials and~~ transportation.

1114         4. A copy of the statement on transfer guarantees  
 1115 developed by the Department of Education under subsection (15).

1116             (24)

1117         (b) Each postsecondary institution eligible to participate  
 1118 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
 1119 enter into a private school articulation agreement with each  
 1120 eligible private school in its geographic service area seeking  
 1121 to offer dual enrollment courses to its students, including, but  
 1122 not limited to, students with disabilities. By August 1 of each  
 1123 year, the eligible postsecondary institution shall complete and  
 1124 submit the private school articulation agreement to the  
 1125 Department of Education. The private school articulation

1126 agreement must include, at a minimum:

1127 1. A delineation of courses and programs available to the  
1128 private school student. The postsecondary institution may add,  
1129 revise, or delete courses and programs at any time.

1130 2. The initial and continued eligibility requirements for  
1131 private school student participation, not to exceed those  
1132 required of other dual enrollment students.

1133 3. The student's responsibilities for providing his or her  
1134 own instructional materials and transportation.

1135 4. A provision clarifying that the private school will  
1136 award appropriate credit toward high school completion for the  
1137 postsecondary course under the dual enrollment program.

1138 5. A provision expressing that costs associated with  
1139 tuition and fees, including registration, and laboratory fees,  
1140 will not be passed along to the student.

1141 ~~6. A provision stating whether the private school will~~  
1142 ~~compensate the postsecondary institution for the standard~~  
1143 ~~tuition rate per credit hour for each dual enrollment course~~  
1144 ~~taken by its students.~~

1145 Section 9. Subsection (11) of section 1012.98, Florida  
1146 Statutes, is amended to read:

1147 1012.98 School Community Professional Development Act.—

1148 (11) The department shall disseminate to the school  
1149 community proven model professional development programs that  
1150 have demonstrated success in increasing rigorous and relevant

1151 content, increasing student achievement and engagement, meeting  
1152 identified student needs, and providing effective mentorship  
1153 activities to new teachers and training to teacher mentors. The  
1154 methods of dissemination must include a web-based statewide  
1155 performance-support system including a database of exemplary  
1156 professional development activities, a listing of available  
1157 professional development resources, training programs, and  
1158 available technical assistance. Professional development  
1159 resources must include sample course-at-a-glance and unit  
1160 overview templates that school districts may use when developing  
1161 curriculum. The templates must provide an organized structure  
1162 for addressing the Florida Standards, grade-level expectations,  
1163 evidence outcomes, and 21st century skills that build to  
1164 students' mastery of the standards at each grade level. Each  
1165 template must support teaching to greater intellectual depth and  
1166 emphasize transfer and application of concepts, content, and  
1167 skills. At a minimum, each template must:

1168 (a) Provide course or year-long sequencing of concept-  
1169 based unit overviews based on the Florida Standards.

1170 (b) Describe the knowledge and vocabulary necessary for  
1171 comprehension.

1172 (c) Promote the instructional shifts required within the  
1173 standards.

1174 (d) Illustrate the interdependence of grade level  
1175 expectations within and across content areas within a grade.

1176 Section 10. Subsection (1), paragraph (a) of subsection  
1177 (2), and paragraph (b) of subsection (3) of section 1002.331,  
1178 Florida Statutes, are amended to read:

1179 1002.331 High-performing charter schools.—

1180 (1) A charter school is a high-performing charter school  
1181 if it:

1182 (a) Received at least two school grades of "A" and no  
1183 school grade below "B," pursuant to s. 1008.34, during each of  
1184 the previous 3 school years or received at least two consecutive  
1185 school grades of "A."—

1186 (b) Received an unqualified opinion on each annual  
1187 financial audit required under s. 218.39 in the most recent 3  
1188 fiscal years for which such audits are available.

1189 (c) Did not receive a financial audit that revealed one or  
1190 more of the financial emergency conditions set forth in s.  
1191 218.503(1) in the most recent 3 fiscal years for which such  
1192 audits are available. However, this requirement is deemed met  
1193 for a charter school-in-the-workplace if there is a finding in  
1194 an audit that the school has the monetary resources available to  
1195 cover any reported deficiency or that the deficiency does not  
1196 result in a deteriorating financial condition pursuant to s.  
1197 1002.345(1)(a)3.

1198  
1199 For purposes of determining initial eligibility, the  
1200 requirements of paragraphs (b) and (c) only apply for the most



1201 recent 2 fiscal years if the charter school earns two  
1202 consecutive grades of "A." A virtual charter school established  
1203 under s. 1002.33 is not eligible for designation as a high-  
1204 performing charter school.

1205 (2) A high-performing charter school is authorized to:

1206 (a) Increase its student enrollment once per school year  
1207 to more than the capacity identified in the charter, but student  
1208 enrollment may not exceed the ~~current facility~~ capacity of the  
1209 facility at the time of enrollment. Facility capacity for  
1210 purposes of grade level expansion shall include any improvements  
1211 to an existing facility or any new facility in which a majority  
1212 of the students of the high-performing charter school will  
1213 enroll.

1214  
1215 A high-performing charter school shall notify its sponsor in  
1216 writing by March 1 if it intends to increase enrollment or  
1217 expand grade levels the following school year. The written  
1218 notice shall specify the amount of the enrollment increase and  
1219 the grade levels that will be added, as applicable. If a charter  
1220 school notifies the sponsor of its intent to expand, the sponsor  
1221 shall modify the charter within 90 days to include the new  
1222 enrollment maximum and may not make any other changes. The  
1223 sponsor may deny a request to increase the enrollment of a high-  
1224 performing charter school if the commissioner has declassified  
1225 the charter school as high-performing. If a high-performing

1226 charter school requests to consolidate multiple charters, the  
 1227 sponsor shall have 40 days after receipt of that request to  
 1228 provide an initial draft charter to the charter school. The  
 1229 sponsor and charter school shall have 50 days thereafter to  
 1230 negotiate and notice the charter contract for final approval by  
 1231 the sponsor.

1232 (3)

1233 (b) A high-performing charter school may not establish  
 1234 more than two ~~one~~ charter schools ~~school~~ within the state under  
 1235 paragraph (a) in any year. A subsequent application to establish  
 1236 a charter school under paragraph (a) may not be submitted unless  
 1237 each charter school established in this manner achieves high-  
 1238 performing charter school status. However, a high-performing  
 1239 charter school may establish more than one charter school within  
 1240 the state under paragraph (a) in any year if it operates in the  
 1241 area of a persistently low-performing school and serves students  
 1242 from that school.

1243 Section 11. Subsection (6) of section 1006.07, Florida  
 1244 Statutes, is amended to read:

1245 1006.07 District school board duties relating to student  
 1246 discipline and school safety.—The district school board shall  
 1247 provide for the proper accounting for all students, for the  
 1248 attendance and control of students at school, and for proper  
 1249 attention to health, safety, and other matters relating to the  
 1250 welfare of students, including:

1251           (6) SAFETY AND SECURITY BEST PRACTICES.—Each school  
1252 district shall ~~Use the Safety and Security Best Practices~~  
1253 ~~developed by the Office of Program Policy Analysis and~~  
1254 ~~Government Accountability to~~ conduct a security risk assessment  
1255 at each public school and conduct a self-assessment of the  
1256 school districts' current safety and security practices using a  
1257 format prescribed by the department. Based on these assessment  
1258 ~~self-assessment~~ findings, the district school superintendent  
1259 shall provide recommendations to the district school board which  
1260 identify strategies and activities that the district school  
1261 board should implement in order to improve school safety and  
1262 security. Annually, each district school board must receive such  
1263 findings and the superintendent's recommendations ~~the self-~~  
1264 ~~assessment results~~ at a publicly noticed district school board  
1265 meeting to provide the public an opportunity to hear the  
1266 district school board members discuss and take action on the  
1267 ~~report~~ findings and recommendations. Each district school  
1268 superintendent shall report such findings ~~the self-assessment~~  
1269 ~~results~~ and school board action to the commissioner within 30  
1270 days after the district school board meeting.

1271           Section 12. Section 1003.576, Florida Statutes, is amended  
1272 to read:

1273           1003.576 Individual education plans for exceptional  
1274 students.—The Department of Education must develop and have an  
1275 operating electronic IEP system in place for ~~potential~~ statewide

1276 use ~~no later than July 1, 2007~~. The statewide system shall be  
1277 developed collaboratively with school districts and must include  
1278 input from school districts currently developing or operating  
1279 electronic IEP systems.

1280 Section 13. Subsection (2) of section 1012.32, Florida  
1281 Statutes, is amended to read:

1282 1012.32 Qualifications of personnel.—

1283 (2) (a) Instructional and noninstructional personnel who  
1284 are hired or contracted to fill positions that require direct  
1285 contact with students in any district school system or  
1286 university lab school must, upon employment or engagement to  
1287 provide services, undergo background screening as required under  
1288 s. 1012.465 or s. 1012.56, whichever is applicable.

1289 (b) Instructional and noninstructional personnel who are  
1290 hired or contracted to fill positions in any charter school and  
1291 members of the governing board of any charter school, in  
1292 compliance with s. 1002.33(12)(g), must, upon employment,  
1293 engagement of services, or appointment, undergo background  
1294 screening as required under s. 1012.465 or s. 1012.56, whichever  
1295 is applicable, by filing with the district school board for the  
1296 school district in which the charter school is located a  
1297 complete set of fingerprints taken by an authorized law  
1298 enforcement agency or an employee of the school or school  
1299 district who is trained to take fingerprints.

1300 (c) Instructional and noninstructional personnel who are

1301 hired or contracted to fill positions that require direct  
1302 contact with students in an alternative school that operates  
1303 under contract with a district school system must, upon  
1304 employment or engagement to provide services, undergo background  
1305 screening as required under s. 1012.465 or s. 1012.56, whichever  
1306 is applicable, by filing with the district school board for the  
1307 school district to which the alternative school is under  
1308 contract a complete set of fingerprints taken by an authorized  
1309 law enforcement agency or an employee of the school or school  
1310 district who is trained to take fingerprints.

1311 (d) Student teachers and persons participating in a field  
1312 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
1313 district school system, lab school, or charter school must, upon  
1314 engagement to provide services, undergo background screening as  
1315 required under s. 1012.56.

1316  
1317 Fingerprints shall be submitted to the Department of Law  
1318 Enforcement for statewide criminal and juvenile records checks  
1319 and to the Federal Bureau of Investigation for federal criminal  
1320 records checks. A person subject to this subsection who is found  
1321 ineligible for employment under s. 1012.315, or otherwise found  
1322 through background screening to have been convicted of any crime  
1323 involving moral turpitude as defined by rule of the State Board  
1324 of Education, shall not be employed, engaged to provide  
1325 services, or serve in any position that requires direct contact

1326 with students. Probationary persons subject to this subsection  
1327 terminated because of their criminal record have the right to  
1328 appeal such decisions. The cost of the background screening may  
1329 be borne by the district school board, the charter school, the  
1330 employee, the contractor, or a person subject to this  
1331 subsection. If the district school board does not notify the  
1332 charter school of the eligibility of governing board members and  
1333 instructional and noninstructional personnel within 14 days  
1334 after the submission of the fingerprints, it shall waive the  
1335 cost of background screening.

1336 Section 14. Section 1002.411, Florida Statutes, is created  
1337 to read:

1338 1002.411 Reading scholarship accounts.—

1339 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship  
1340 accounts are established to provide educational options for  
1341 students.

1342 (2) ELIGIBILITY.—Contingent upon available funds, and on a  
1343 first-come, first-served basis, a student enrolled in a Florida  
1344 public school is eligible for a scholarship under this program  
1345 if the student scored a Level 1 or Level 2 on the grade 3  
1346 statewide, standardized English Language Arts assessment.

1347 (3) PARENT AND STUDENT RESPONSIBILITIES FOR  
1348 PARTICIPATION.—

1349 (a) For an eligible student to receive a reading  
1350 scholarship account, the student's parent must:

- 1351        1. Submit an application to an eligible nonprofit  
 1352 scholarship-funding organization by the deadline established by  
 1353 the scholarship-funding organization; and
- 1354        2. Submit eligible expenses to the eligible nonprofit  
 1355 scholarship-funding organization for reimbursement of qualifying  
 1356 expenditures which may include:
- 1357            a. Instructional materials.
- 1358            b. Curriculum. As used in this sub-subparagraph, the term  
 1359 "curriculum" means a complete course of study for a particular  
 1360 content area or grade level, including any required supplemental  
 1361 materials and associated online instruction.
- 1362            c. Tuition and fees for part-time tutoring services  
 1363 provided by a person who holds a baccalaureate degree in the  
 1364 subject area; a person who holds an adjunct teaching certificate  
 1365 pursuant to s. 1012.57; or a person who has demonstrated a  
 1366 mastery of subject area knowledge pursuant to s. 1012.56(5).
- 1367            d. Fees for summer education programs.
- 1368            e. Fees for after-school education programs.
- 1369            f. Specialized services by approved providers or by a  
 1370 hospital in this state which are selected by the parent. These  
 1371 specialized services may include, but are not limited to:
- 1372                (I) Applied behavior analysis services as provided in ss.  
 1373 627.6686 and 641.31098.
- 1374                (II) Services provided by speech-language pathologists as  
 1375 defined in s. 468.1125.

1376 (III) Occupational therapy services as defined in s.  
 1377 468.203.

1378 (IV) Services provided by physical therapists as defined  
 1379 in s. 486.021.

1380 (V) Services provided by listening and spoken language  
 1381 specialists and an appropriate acoustical environment for a  
 1382 child who is deaf or hard of hearing and who has received an  
 1383 implant or assistive hearing device.

1384 (VI) Contributions to the Florida College Savings Program  
 1385 pursuant to s. 1009.981 for the benefit of the eligible student.

1386  
 1387 A provider of any services receiving payments pursuant to this  
 1388 subsection may not share, refund, or rebate any moneys from the  
 1389 reading scholarship with the parent or participating student in  
 1390 any manner. A parent, student, or provider of any services may  
 1391 not bill an insurance company, Medicaid, or any other agency for  
 1392 the same services that are paid for using reading scholarship  
 1393 funds.

1394 (b) The parent is responsible for the payment of all  
 1395 eligible expenses in excess of the amount in the account in  
 1396 accordance with the terms agreed to between the parent and any  
 1397 providers and may not receive any refund or rebate of any  
 1398 expenditures made in accordance with paragraph (a).

1399 (4) ADMINISTRATION.—An eligible nonprofit scholarship-  
 1400 funding organization participating in the Florida Tax Credit



1401 Scholarship Program established by s. 1002.395 may establish  
1402 reading scholarship accounts for eligible students in accordance  
1403 with the requirements of eligible nonprofit scholarship-funding  
1404 organizations under this chapter.

1405 (5) DEPARTMENT OBLIGATIONS.—The department shall have the  
1406 same duties imposed by this chapter upon the department  
1407 regarding oversight of scholarship programs administered by an  
1408 eligible nonprofit scholarship-funding organization.

1409 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—Upon  
1410 report of the assessment results pursuant to s. 1008.22(7)(h),  
1411 the school district shall notify each parent, whose student  
1412 scored a Level 1 or Level 2 on the grade 3 statewide,  
1413 standardized English Language Arts assessment, of the process to  
1414 request and receive a scholarship, subject to available funding.

1415 (7) ACCOUNT FUNDING AND PAYMENT.—

1416 (a) The maximum amount granted for an eligible student  
1417 shall be provided in the General Appropriations Act.

1418 (b) One hundred percent of the funds appropriated for the  
1419 program shall be released to the department at the beginning of  
1420 the first quarter of each fiscal year.

1421 (c) Upon notification from the organization that a student  
1422 has been determined eligible, the department shall release the  
1423 student's scholarship funds to the organization to be deposited  
1424 into the student's account.

1425 (d) Accrued interest in the student's account is in

1426 addition to, and not part of, the awarded funds. Program funds  
1427 include both the awarded funds and accrued interest.

1428 (e) The organization may develop a system for payment of  
1429 benefits by funds transfer, including, but not limited to, debit  
1430 cards, electronic payment cards, or any other means of payment  
1431 that the department deems to be commercially viable or cost-  
1432 effective. A student's scholarship award may not be reduced for  
1433 debit card or electronic payment fees. Commodities or services  
1434 related to the development of such a system shall be procured by  
1435 competitive solicitation unless they are purchased from a state  
1436 term contract pursuant to s. 287.056. The school district shall  
1437 report all students who are receiving a reading scholarship  
1438 account under this program. These students shall be reported  
1439 separately from other students reported for purposes of the  
1440 Florida Education Finance Program.

1441 (f) Payment of the scholarship shall be made by the  
1442 eligible nonprofit scholarship-funding organization no less  
1443 frequently than on a quarterly basis.

1444 (g) In addition to funds appropriated for scholarship  
1445 awards and subject to a separate, specific legislative  
1446 appropriation, an organization may receive an amount equivalent  
1447 to not more than 3 percent of the amount of each scholarship  
1448 award from state funds for administrative expenses if the  
1449 organization has operated as a nonprofit entity for at least the  
1450 preceding 3 fiscal years and did not have any findings of

1451 material weakness or material noncompliance in its most recent  
1452 audit under s. 1002.395. Such administrative expenses must be  
1453 reasonable and necessary for the organization's management and  
1454 distribution of scholarships under this section. Funds  
1455 authorized under this paragraph may not be used for lobbying or  
1456 political activity or expenses related to lobbying or political  
1457 activity. An organization may not charge an application fee for  
1458 a scholarship. Administrative expenses may not be deducted from  
1459 funds appropriated for scholarship awards.

1460 (h) Moneys received pursuant to this section do not  
1461 constitute taxable income to the qualified student or his or her  
1462 parent.

1463 (i) A student's scholarship account must be closed and any  
1464 remaining funds, including, but not limited to, contributions  
1465 made to the Florida College Savings Program using program funds,  
1466 shall revert to the state after:

1467 1. Denial or revocation of program eligibility by the  
1468 commissioner for fraud or abuse, including, but not limited to,  
1469 the student or student's parent accepting any payment, refund,  
1470 or rebate, in any manner, from a provider of any services  
1471 received pursuant to subsection (3); or

1472 2. Three consecutive fiscal years in which an account has  
1473 been inactive.

1474 (8) LIABILITY.—No liability shall arise on the part of the  
1475 state based on the award or use of a reading scholarship

1476 account.

1477 Section 15. Paragraph (e) of subsection (2), paragraphs  
 1478 (d) and (h) of subsection (5), subsection (8), paragraph (a) of  
 1479 subsection (10), and paragraph (a) of subsection (11) of section  
 1480 1002.385, Florida Statutes, are amended to read:

1481 1002.385 The Gardiner Scholarship.—

1482 (2) DEFINITIONS.—As used in this section, the term:

1483 (e) "Eligible nonprofit scholarship-funding organization"  
 1484 or "organization" means a nonprofit scholarship-funding  
 1485 organization that is approved pursuant to s. 1002.395(15) ~~s.~~  
 1486 ~~1002.395(16)~~.

1487 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must  
 1488 be used to meet the individual educational needs of an eligible  
 1489 student and may be spent for the following purposes:

1490 (d) ~~Enrollment in, or~~ Tuition or fees associated with  
 1491 full-time or part-time enrollment in, ~~a home education program,~~  
 1492 an eligible private school, an eligible postsecondary  
 1493 educational institution or a program offered by the  
 1494 postsecondary institution, a private tutoring program authorized  
 1495 under s. 1002.43, a virtual program offered by a department-  
 1496 approved private online provider that meets the provider  
 1497 qualifications specified in s. 1002.45(2)(a), the Florida  
 1498 Virtual School as a private paying student, or an approved  
 1499 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1500 (h) Tuition and fees for part-time tutoring services

1501 provided by a person who holds a valid Florida educator's  
1502 certificate pursuant to s. 1012.56; a person who holds an  
1503 adjunct teaching certificate pursuant to s. 1012.57; a person  
1504 who has a bachelor's degree or a graduate degree in the subject  
1505 area in which instruction is given; or a person who has  
1506 demonstrated a mastery of subject area knowledge pursuant to s.  
1507 1012.56(5). As used in this paragraph, the term "part-time  
1508 tutoring services" does not qualify as regular school attendance  
1509 as defined in s. 1003.01(13) (e).

1510  
1511 A provider of any services receiving payments pursuant to this  
1512 subsection may not share, refund, or rebate any moneys from the  
1513 Gardiner Scholarship with the parent or participating student in  
1514 any manner. A parent, student, or provider of any services may  
1515 not bill an insurance company, Medicaid, or any other agency for  
1516 the same services that are paid for using Gardiner Scholarship  
1517 funds.

1518 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
1519 eligible private school may be sectarian or nonsectarian and  
1520 shall:

1521 (a) Comply with all requirements for private schools  
1522 participating in state school choice scholarship programs  
1523 pursuant to s. 1002.421.

1524 ~~(b) Provide to the organization, upon request, all~~  
1525 ~~documentation required for the student's participation,~~

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1526 ~~including the private school's and student's fee schedules.~~

1527 ~~(c) Be academically accountable to the parent for meeting~~  
1528 ~~the educational needs of the student by:~~

1529 ~~1. At a minimum, annually providing to the parent a~~  
1530 ~~written explanation of the student's progress.~~

1531 (b) 1.2. ~~Annually administer or make administering or~~  
1532 ~~making~~ provision for students participating in the program in  
1533 grades 3 through 10 to take one of the nationally norm-  
1534 referenced tests identified by the Department of Education or  
1535 the statewide assessments pursuant to s. 1008.22. Students with  
1536 disabilities for whom standardized testing is not appropriate  
1537 are exempt from this requirement. A participating private school  
1538 shall report a student's scores to the parent.

1539 2.3. ~~Administer Cooperating with the scholarship student~~  
1540 ~~whose parent chooses to have the student participate in the~~  
1541 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~  
1542 ~~school chooses to offer the statewide assessments, administering~~  
1543 ~~the assessments at the school.~~

1544 ~~a.~~ A participating private school may choose to offer and  
1545 administer the statewide assessments to all students who attend  
1546 the private school in grades 3 through 10 and must.

1547 ~~b.~~ A participating private school shall submit a request  
1548 in writing to the Department of Education by March 1 of each  
1549 year in order to administer the statewide assessments in the  
1550 subsequent school year.

1551 ~~(d) Employ or contract with teachers who have regular and~~  
 1552 ~~direct contact with each student receiving a scholarship under~~  
 1553 ~~this section at the school's physical location.~~

1554 ~~(e) Provide a report from an independent certified public~~  
 1555 ~~accountant who performs the agreed upon procedures developed~~  
 1556 ~~under s. 1002.395(6)(e) if the private school receives more than~~  
 1557 ~~\$250,000 in funds from scholarships awarded under this section~~  
 1558 ~~in a state fiscal year. A private school subject to this~~  
 1559 ~~paragraph must annually submit the report by September 15 to the~~  
 1560 ~~organization that awarded the majority of the school's~~  
 1561 ~~scholarship funds. The agreed upon procedures must be conducted~~  
 1562 ~~in accordance with attestation standards established by the~~  
 1563 ~~American Institute of Certified Public Accountants.~~

1564  
 1565 If a private school is unable to meet the requirements of this  
 1566 subsection ~~or has consecutive years of material exceptions~~  
 1567 ~~listed in the report required under paragraph (e), the~~  
 1568 commissioner may determine that the private school is ineligible  
 1569 to participate in the program.

1570 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

1571 (a) The Commissioner of Education:

- 1572 1. May suspend or revoke program participation or use of  
 1573 program funds by the student or participation or eligibility of  
 1574 an organization, ~~eligible private school,~~ eligible postsecondary  
 1575 educational institution, approved provider, or other party for a

1576 violation of this section.

1577         2. May determine the length of, and conditions for  
 1578 lifting, a suspension or revocation specified in this  
 1579 subsection.

1580         3. May recover unexpended program funds or withhold  
 1581 payment of an equal amount of program funds to recover program  
 1582 funds that were not authorized for use.

1583         4. Shall deny or terminate program participation upon a  
 1584 parent's forfeiture of a Gardiner Scholarship pursuant to  
 1585 subsection (11).

1586         (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 1587 PARTICIPATION.—A parent who applies for program participation  
 1588 under this section is exercising his or her parental option to  
 1589 determine the appropriate placement or the services that best  
 1590 meet the needs of his or her child. The scholarship award for a  
 1591 student is based on a matrix that assigns the student to support  
 1592 Level III services. If a parent receives an IEP and a matrix of  
 1593 services from the school district pursuant to subsection (7),  
 1594 the amount of the payment shall be adjusted as needed, when the  
 1595 school district completes the matrix.

1596         (a) To satisfy or maintain program eligibility, including  
 1597 eligibility to receive and spend program payments, the parent  
 1598 must sign an agreement with the organization and annually submit  
 1599 a notarized, sworn compliance statement to the organization to:

1600             1. Affirm that the student is enrolled in a program that



1601 meets regular school attendance requirements as provided in s.  
1602 1003.01(13)(b)-(d).

1603 2. Affirm that the program funds are used only for  
1604 authorized purposes serving the student's educational needs, as  
1605 described in subsection (5).

1606 3. Affirm that the parent is responsible for the education  
1607 of his or her student by, as applicable:

1608 a. Requiring the student to take an assessment in  
1609 accordance with paragraph (8)(b) ~~paragraph (8)(c)~~;

1610 b. Providing an annual evaluation in accordance with s.  
1611 1002.41(1)(c); or

1612 c. Requiring the child to take any preassessments and  
1613 postassessments selected by the provider if the child is 4 years  
1614 of age and is enrolled in a program provided by an eligible  
1615 Voluntary Prekindergarten Education Program provider. A student  
1616 with disabilities for whom a preassessment and postassessment is  
1617 not appropriate is exempt from this requirement. A participating  
1618 provider shall report a student's scores to the parent.

1619 4. Affirm that the student remains in good standing with  
1620 the provider or school if those options are selected by the  
1621 parent.

1622  
1623 A parent who fails to comply with this subsection forfeits the  
1624 Gardiner Scholarship.

1625 Section 16. Section 1002.421, Florida Statutes, is amended

1626 | to read:

1627 |       1002.421 ~~Accountability of private schools participating~~  
 1628 | ~~in~~ State school choice scholarship program accountability and  
 1629 | oversight programs.-

1630 |       (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.-A Florida  
 1631 | private school participating in ~~the Florida Tax Credit~~  
 1632 | ~~Scholarship Program established pursuant to s. 1002.395 or an~~  
 1633 | educational scholarship program established pursuant to this  
 1634 | chapter must be a Florida private school as defined in s.  
 1635 | 1002.01(2), be registered, and be in compliance ~~comply~~ with all  
 1636 | requirements of this section in addition to private school  
 1637 | requirements outlined in s. 1002.42, specific requirements  
 1638 | identified within respective scholarship program laws, and other  
 1639 | provisions of Florida law that apply to private schools, and  
 1640 | must:-

1641 |       ~~(2) A private school participating in a scholarship~~  
 1642 | ~~program must be a Florida private school as defined in s.~~  
 1643 | ~~1002.01(2), must be registered in accordance with s. 1002.42,~~  
 1644 | ~~and must:~~

1645 |       (a) Comply with the antidiscrimination provisions of 42  
 1646 | U.S.C. s. 2000d.

1647 |       (b) Notify the department of its intent to participate in  
 1648 | a scholarship program.

1649 |       (c) Notify the department of any change in the school's  
 1650 | name, school director, mailing address, or physical location

1651 within 15 days after the change.

1652 (d) Provide to the department or scholarship-funding  
1653 organization all documentation required for a student's  
1654 participation, including the private school's and student's  
1655 individual fee schedule, and ~~Complete student enrollment and~~  
1656 ~~attendance verification requirements, including use of an online~~  
1657 attendance verification as required by the department or  
1658 scholarship-funding organization form, prior to scholarship  
1659 payment.

1660 (e) Annually complete and submit to the department a  
1661 notarized scholarship compliance statement certifying that all  
1662 school employees and contracted personnel with direct student  
1663 contact have undergone background screening pursuant to s.  
1664 943.0542 and have met the screening standards of s. 435.04.

1665 (f) Demonstrate fiscal soundness and accountability by:

1666 1. Being in operation for at least 3 school years or  
1667 obtaining a surety bond or letter of credit for the amount equal  
1668 to the scholarship funds for any quarter and filing the surety  
1669 bond or letter of credit with the department.

1670 2. Requiring the parent of each scholarship student to  
1671 personally restrictively endorse the scholarship warrant to the  
1672 school or approve a funds transfer before any funds are  
1673 deposited for a student. The school may not act as attorney in  
1674 fact for the parent of a scholarship student under the authority  
1675 of a power of attorney executed by such parent, or under any

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1676 other authority, to endorse a scholarship warrant or approve a  
1677 funds transfer warrants on behalf of such parent.

1678 (g) Meet applicable state and local health, safety, and  
1679 welfare laws, codes, and rules, including:

1680 1. Firesafety.

1681 2. Building safety.

1682 (h) Employ or contract with teachers who hold  
1683 baccalaureate or higher degrees, have at least 3 years of  
1684 teaching experience in public or private schools, or have  
1685 special skills, knowledge, or expertise that qualifies them to  
1686 provide instruction in subjects taught.

1687 (i) Maintain a physical location in the state where each  
1688 student has regular and direct contact with teachers at the  
1689 school's physical location.

1690 (j) Provide to the parent of each scholarship student on  
1691 the school's website, or on a written form provided by the  
1692 school, information regarding the school, including, but not  
1693 limited to, programs, services, and the qualifications of each  
1694 classroom teacher.

1695 (k) At a minimum, provide the parent of each scholarship  
1696 student a written explanation of the student's progress on a  
1697 quarterly basis.

1698 (l) Cooperate with a student whose parent chooses to  
1699 participate in the statewide assessments pursuant to s. 1008.22.

1700 (m)-(i) Require each employee and contracted personnel with

1701 direct student contact, upon employment or engagement to provide  
1702 services, to undergo a state and national background screening,  
1703 pursuant to s. 943.0542, by electronically filing with the  
1704 Department of Law Enforcement a complete set of fingerprints  
1705 taken by an authorized law enforcement agency or an employee of  
1706 the private school, a school district, or a private company who  
1707 is trained to take fingerprints and deny employment to or  
1708 terminate an employee if he or she fails to meet the screening  
1709 standards under s. 435.04. Results of the screening shall be  
1710 provided to the participating private school. For purposes of  
1711 this paragraph:

1712 1. An "employee or contracted personnel with direct  
1713 student contact" means any employee or contracted personnel who  
1714 has unsupervised access to a scholarship student for whom the  
1715 private school is responsible.

1716 2. The costs of fingerprinting and the background check  
1717 shall not be borne by the state.

1718 3. Continued employment of an employee or contracted  
1719 personnel after notification that he or she has failed the  
1720 background screening under this paragraph shall cause a private  
1721 school to be ineligible for participation in a scholarship  
1722 program.

1723 4. An employee or contracted personnel holding a valid  
1724 Florida teaching certificate who has been fingerprinted pursuant  
1725 to s. 1012.32 is not required to comply with the provisions of

1726 | this paragraph.

1727 |       ~~5.(3)(a)~~ All fingerprints submitted to the Department of  
1728 | Law Enforcement as required by this section shall be retained by  
1729 | the Department of Law Enforcement in a manner provided by rule  
1730 | and entered in the statewide automated biometric identification  
1731 | system authorized by s. 943.05(2)(b). Such fingerprints shall  
1732 | thereafter be available for all purposes and uses authorized for  
1733 | arrest fingerprints entered in the statewide automated biometric  
1734 | identification system pursuant to s. 943.051.

1735 |       ~~6.(b)~~ The Department of Law Enforcement shall search all  
1736 | arrest fingerprints received under s. 943.051 against the  
1737 | fingerprints retained in the statewide automated biometric  
1738 | identification system under subparagraph 5 ~~paragraph (a)~~. Any  
1739 | arrest record that is identified with the retained fingerprints  
1740 | of a person subject to the background screening under this  
1741 | section shall be reported to the employing school with which the  
1742 | person is affiliated. Each private school participating in a  
1743 | scholarship program is required to participate in this search  
1744 | process by informing the Department of Law Enforcement of any  
1745 | change in the employment or contractual status of its personnel  
1746 | whose fingerprints are retained under subparagraph 5 ~~paragraph~~  
1747 | ~~(a)~~. The Department of Law Enforcement shall adopt a rule  
1748 | setting the amount of the annual fee to be imposed upon each  
1749 | private school for performing these searches and establishing  
1750 | the procedures for the retention of private school employee and

1751 contracted personnel fingerprints and the dissemination of  
1752 search results. The fee may be borne by the private school or  
1753 the person fingerprinted.

1754 7.~~(e)~~ Employees and contracted personnel whose  
1755 fingerprints are not retained by the Department of Law  
1756 Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~  
1757 are required to be refingerprinted and must meet state and  
1758 national background screening requirements upon reemployment or  
1759 reengagement to provide services in order to comply with the  
1760 requirements of this section.

1761 8.~~(d)~~ Every 5 years following employment or engagement to  
1762 provide services with a private school, employees or contracted  
1763 personnel required to be screened under this section must meet  
1764 screening standards under s. 435.04, at which time the private  
1765 school shall request the Department of Law Enforcement to  
1766 forward the fingerprints to the Federal Bureau of Investigation  
1767 for national processing. If the fingerprints of employees or  
1768 contracted personnel are not retained by the Department of Law  
1769 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and  
1770 contracted personnel must electronically file a complete set of  
1771 fingerprints with the Department of Law Enforcement. Upon  
1772 submission of fingerprints for this purpose, the private school  
1773 shall request that the Department of Law Enforcement forward the  
1774 fingerprints to the Federal Bureau of Investigation for national  
1775 processing, and the fingerprints shall be retained by the

1776 Department of Law Enforcement under subparagraph 5 paragraph  
1777 (a).

1778 ~~(4) A private school that accepts scholarship students~~  
1779 ~~under s. 1002.39 or s. 1002.395 must:~~

1780 ~~(a) Disqualify instructional personnel and school~~  
1781 ~~administrators, as defined in s. 1012.01, from employment in any~~  
1782 ~~position that requires direct contact with students if the~~  
1783 ~~personnel or administrators are ineligible for such employment~~  
1784 ~~under s. 1012.315.~~

1785 (n) ~~(b)~~ Adopt policies establishing standards of ethical  
1786 conduct for instructional personnel and school administrators.  
1787 The policies must require all instructional personnel and school  
1788 administrators, as defined in s. 1012.01, to complete training  
1789 on the standards; establish the duty of instructional personnel  
1790 and school administrators to report, and procedures for  
1791 reporting, alleged misconduct by other instructional personnel  
1792 and school administrators which affects the health, safety, or  
1793 welfare of a student; and include an explanation of the  
1794 liability protections provided under ss. 39.203 and 768.095. A  
1795 private school, or any of its employees, may not enter into a  
1796 confidentiality agreement regarding terminated or dismissed  
1797 instructional personnel or school administrators, or personnel  
1798 or administrators who resign in lieu of termination, based in  
1799 whole or in part on misconduct that affects the health, safety,  
1800 or welfare of a student, and may not provide the instructional



1801 personnel or school administrators with employment references or  
1802 discuss the personnel's or administrators' performance with  
1803 prospective employers in another educational setting, without  
1804 disclosing the personnel's or administrators' misconduct. Any  
1805 part of an agreement or contract that has the purpose or effect  
1806 of concealing misconduct by instructional personnel or school  
1807 administrators which affects the health, safety, or welfare of a  
1808 student is void, is contrary to public policy, and may not be  
1809 enforced.

1810 (o)~~(e)~~ Before employing instructional personnel or school  
1811 administrators in any position that requires direct contact with  
1812 students, conduct employment history checks of each of the  
1813 personnel's or administrators' previous employers, screen the  
1814 personnel or administrators through use of the educator  
1815 screening tools described in s. 1001.10(5), and document the  
1816 findings. If unable to contact a previous employer, the private  
1817 school must document efforts to contact the employer.

1818 (p) Require each owner or operator of the private school,  
1819 prior to employment or engagement to provide services, to  
1820 undergo level 2 background screening as provided under chapter  
1821 435. For purposes of this paragraph, the term "owner or  
1822 operator" means an owner, operator, superintendent, or principal  
1823 of, or a person with equivalent decisionmaking authority over, a  
1824 private school participating in a scholarship program  
1825 established pursuant to this chapter. The fingerprints for the

1826 background screening must be electronically submitted to the  
1827 Department of Law Enforcement and may be taken by an authorized  
1828 law enforcement agency or a private company who is trained to  
1829 take fingerprints. However, the complete set of fingerprints of  
1830 an owner or operator may not be taken by the owner or operator.  
1831 The owner or operator shall provide a copy of the results of the  
1832 state and national criminal history check to the Department of  
1833 Education. The cost of the background screening may be borne by  
1834 the owner or operator.

1835 1. Every 5 years following employment or engagement to  
1836 provide services, each owner or operator must meet level 2  
1837 screening standards as described in s. 435.04, at which time the  
1838 owner or operator shall request the Department of Law  
1839 Enforcement to forward the fingerprints to the Federal Bureau of  
1840 Investigation for level 2 screening. If the fingerprints of an  
1841 owner or operator are not retained by the Department of Law  
1842 Enforcement under subparagraph 2., the owner or operator must  
1843 electronically file a complete set of fingerprints with the  
1844 Department of Law Enforcement. Upon submission of fingerprints  
1845 for this purpose, the owner or operator shall request that the  
1846 Department of Law Enforcement forward the fingerprints to the  
1847 Federal Bureau of Investigation for level 2 screening, and the  
1848 fingerprints shall be retained by the Department of Law  
1849 Enforcement under subparagraph 2.

1850 2. Fingerprints submitted to the Department of Law

1851 Enforcement as required by this paragraph must be retained by  
1852 the Department of Law Enforcement in a manner approved by rule  
1853 and entered in the statewide automated biometric identification  
1854 system authorized by s. 943.05(2)(b). The fingerprints must  
1855 thereafter be available for all purposes and uses authorized for  
1856 arrest fingerprints entered in the statewide automated biometric  
1857 identification system pursuant to s. 943.051.

1858 3. The Department of Law Enforcement shall search all  
1859 arrest fingerprints received under s. 943.051 against the  
1860 fingerprints retained in the statewide automated biometric  
1861 identification system under subparagraph 2. Any arrest record  
1862 that is identified with an owner's or operator's fingerprints  
1863 must be reported to the owner or operator who must report to the  
1864 Department of Education. Any costs associated with the search  
1865 shall be borne by the owner or operator.

1866 4. An owner or operator who fails the level 2 background  
1867 screening is not eligible to provide scholarships under this  
1868 section.

1869 5. In addition to the offenses listed in s. 435.04, a  
1870 person required to undergo background screening pursuant to this  
1871 part or authorizing statutes must not have an arrest awaiting  
1872 final disposition for, must not have been found guilty of, or  
1873 entered a plea of nolo contendere to, regardless of  
1874 adjudication, and must not have been adjudicated delinquent for,  
1875 and the record must not have been sealed or expunged for, any of

- 1876 the following offenses or any similar offense of another  
1877 jurisdiction:
- 1878 a. Any authorizing statutes, if the offense was a felony.
  - 1879 b. This chapter, if the offense was a felony.
  - 1880 c. Section 409.920, relating to Medicaid provider fraud.
  - 1881 d. Section 409.9201, relating to Medicaid fraud.
  - 1882 e. Section 741.28, relating to domestic violence.
  - 1883 f. Section 817.034, relating to fraudulent acts through  
1884 mail, wire, radio, electromagnetic, photoelectronic, or  
1885 photooptical systems.
  - 1886 g. Section 817.234, relating to false and fraudulent  
1887 insurance claims.
  - 1888 h. Section 817.505, relating to patient brokering.
  - 1889 i. Section 817.568, relating to criminal use of personal  
1890 identification information.
  - 1891 j. Section 817.60, relating to obtaining a credit card  
1892 through fraudulent means.
  - 1893 k. Section 817.61, relating to fraudulent use of credit  
1894 cards, if the offense was a felony.
  - 1895 l. Section 831.01, relating to forgery.
  - 1896 m. Section 831.02, relating to uttering forged  
1897 instruments.
  - 1898 n. Section 831.07, relating to forging bank bills, checks,  
1899 drafts, or promissory notes.
  - 1900 o. Section 831.09, relating to uttering forged bank bills,

1901 checks, drafts, or promissory notes.

1902 p. Section 831.30, relating to fraud in obtaining  
1903 medicinal drugs.

1904 q. Section 831.31, relating to the sale, manufacture,  
1905 delivery, or possession with the intent to sell, manufacture, or  
1906 deliver any counterfeit controlled substance, if the offense was  
1907 a felony.

1908 6. At least 30 calendar days before a transfer of  
1909 ownership of a private school, the owner or operator shall  
1910 notify the parent of each scholarship student.

1911 7. The owner or operator of a private school that has been  
1912 deemed ineligible to participate in a scholarship program  
1913 pursuant to this chapter may not transfer ownership or  
1914 management authority of the school to a relative in order to  
1915 participate in a scholarship program as the same school or a new  
1916 school. For purposes of this subparagraph, the term "relative"  
1917 means father, mother, son, daughter, grandfather, grandmother,  
1918 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
1919 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
1920 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
1921 stepdaughter, stepbrother, stepsister, half-brother, or half-  
1922 sister.

1923 (q) Provide a report from an independent certified public  
1924 accountant who performs the agreed-upon procedures developed  
1925 pursuant to s. 1002.395(6)(o) if the private school receives

1926 more than \$250,000 in funds from scholarships awarded under this  
 1927 chapter in a state fiscal year. A private school subject to this  
 1928 subsection must annually submit the report by September 15 to  
 1929 the scholarship-funding organization that awarded the majority  
 1930 of the school's scholarship funds. However, a school that  
 1931 receives more than \$250,000 in scholarship funds through the  
 1932 John M. McKay Scholarship for Students with Disabilities Program  
 1933 pursuant to s. 1002.39 only must submit the report by September  
 1934 15 to the department. The agreed-upon procedures must be  
 1935 conducted in accordance with attestation standards established  
 1936 by the American Institute of Certified Public Accountants.

1937  
 1938 The department shall suspend the payment of funds ~~under ss.~~  
 1939 ~~1002.39 and 1002.395~~ to a private school that ~~knowingly~~ fails to  
 1940 comply with this subsection, and shall prohibit the school from  
 1941 enrolling new scholarship students, for 1 fiscal year and until  
 1942 the school complies.

1943 ~~(5) If The inability of~~ a private school fails to meet the  
 1944 requirements of this subsection or has consecutive years of  
 1945 material exceptions listed in the report required under  
 1946 paragraph (q), the commissioner may determine that the private  
 1947 school is ineligible ~~section shall constitute a basis for the~~  
 1948 ~~ineligibility of the private school~~ to participate in a  
 1949 scholarship program ~~as determined by the department.~~

1950 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.-

1951 (a) The Department of Education shall:

1952 1. Annually verify the eligibility of private schools that  
1953 meet the requirements of this section, specific requirements  
1954 identified within respective scholarship program laws, and other  
1955 provisions of Florida law that apply to private schools.

1956 2. Establish a toll-free hotline that provides parents and  
1957 private schools with information on participation in the  
1958 scholarship programs.

1959 3. Establish a process by which individuals may notify the  
1960 department of any violation by a parent, private school, or  
1961 school district of state laws relating to program participation.

1962 If the department has reasonable cause to believe that a  
1963 violation of this section or any rule adopted by the State Board  
1964 of Education has occurred, it shall conduct an inquiry, or make  
1965 a referral to the appropriate agency for an investigation. A  
1966 department inquiry is not subject to the requirements of chapter  
1967 120.

1968 4. Require an annual, notarized, sworn compliance  
1969 statement from participating private schools certifying  
1970 compliance with state laws, and retain such records.

1971 5. Coordinate with the entities conducting the health  
1972 inspection for a private school to obtain copies of the  
1973 inspection reports.

1974 6. Coordinate with the State Fire Marshal to obtain access  
1975 to fire inspection reports for private schools. The authority

1976 conducting the fire safety inspection shall certify to the State  
 1977 Fire Marshal that the annual inspection has been completed and  
 1978 the school is in full compliance.

1979 (b) The department may conduct site visits to any private  
 1980 school participating in a scholarship program pursuant to this  
 1981 chapter that has received a complaint about a violation of  
 1982 statute or state board rule pursuant to subparagraph (2)(a)3. or  
 1983 has received a notice of noncompliance or a notice of proposed  
 1984 action within the previous 2 years.

1985 (c) Annually, by December 15, the department shall report  
 1986 to the Governor, the President of the Senate, and the Speaker of  
 1987 the House of Representatives the department's actions in  
 1988 implementing accountability in the scholarship programs under  
 1989 this section, any substantiated allegations or violations of law  
 1990 or rule by an eligible private school under this program, and  
 1991 the corrective action taken.

1992 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-  
 1993 The Commissioner of Education:

1994 (a) Shall deny, suspend, or revoke a private school's  
 1995 participation in a scholarship program if it is determined that  
 1996 the private school has failed to comply with the provisions of  
 1997 this section or exhibits a previous pattern of failure to  
 1998 comply. However, if the noncompliance is correctable within a  
 1999 reasonable amount of time, not to exceed 45 days, and if the  
 2000 health, safety, or welfare of the students is not threatened,



2001 the commissioner may issue a notice of noncompliance which  
2002 provides the private school with a timeframe within which to  
2003 provide evidence of compliance before taking action to suspend  
2004 or revoke the private school's participation in the scholarship  
2005 program.

2006 (b) May deny, suspend, or revoke a private school's  
2007 participation in a scholarship program if the commissioner  
2008 determines that an owner or operator of the private school is  
2009 operating or has operated an educational institution in this  
2010 state or in another state or jurisdiction in a manner contrary  
2011 to the health, safety, or welfare of the public or if the owner  
2012 or operator has exhibited a previous pattern of failure to  
2013 comply with this section or specific requirements identified  
2014 within respective scholarship program laws. For purposes of this  
2015 subsection, the term "owner or operator" has the same meaning as  
2016 in paragraph (1) (p).

2017 (c) In making such a determination, may consider factors  
2018 that include, but are not limited to, acts or omissions by an  
2019 owner or operator which led to a previous denial, suspension, or  
2020 revocation of participation in a state or federal education  
2021 scholarship program; an owner's or operator's failure to  
2022 reimburse the department or scholarship-funding organization for  
2023 scholarship funds improperly received or retained by a school;  
2024 imposition of a prior criminal sanction related to an owner's or  
2025 operator's management or operation of an educational

2026 institution; imposition of a civil fine or administrative fine,  
2027 license revocation or suspension, or program eligibility  
2028 suspension, termination, or revocation related to an owner's or  
2029 operator's management or operation of an educational  
2030 institution; or other types of criminal proceedings in which an  
2031 owner or operator was found guilty of, regardless of  
2032 adjudication, or entered a plea of nolo contendere or guilty to,  
2033 any offense involving fraud, deceit, dishonesty, or moral  
2034 turpitude.

2035 (d) The commissioner's determination is subject to the  
2036 following:

2037 1. If the commissioner intends to deny, suspend, or revoke  
2038 a private school's participation in the scholarship program, the  
2039 department shall notify the private school of such proposed  
2040 action in writing by certified mail and regular mail to the  
2041 private school's address of record with the department. The  
2042 notification shall include the reasons for the proposed action  
2043 and notice of the timelines and procedures set forth in this  
2044 paragraph.

2045 2. The private school that is adversely affected by the  
2046 proposed action shall have 15 days from receipt of the notice of  
2047 proposed action to file with the department's agency clerk a  
2048 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
2049 the private school is entitled to a hearing under s. 120.57(1),  
2050 the department shall forward the request to the Division of

2051 Administrative Hearings.

2052 3. Upon receipt of a request referred pursuant to this  
2053 paragraph, the director of the Division of Administrative  
2054 Hearings shall expedite the hearing and assign an administrative  
2055 law judge who shall commence a hearing within 30 days after the  
2056 receipt of the formal written request by the division and enter  
2057 a recommended order within 30 days after the hearing or within  
2058 30 days after receipt of the hearing transcript, whichever is  
2059 later. Each party shall be allowed 10 days in which to submit  
2060 written exceptions to the recommended order. A final order shall  
2061 be entered by the agency within 30 days after the entry of a  
2062 recommended order. The provisions of this subparagraph may be  
2063 waived upon stipulation by all parties.

2064 (e) The commissioner may immediately suspend payment of  
2065 scholarship funds if it is determined that there is probable  
2066 cause to believe that there is:

2067 1. An imminent threat to the health, safety, or welfare of  
2068 the students;

2069 2. A previous pattern of failure to comply with this  
2070 section; or

2071 3. Fraudulent activity on the part of the private school.  
2072 Notwithstanding s. 1002.22, in incidents of alleged fraudulent  
2073 activity pursuant to this section, the department's Office of  
2074 Inspector General is authorized to release personally  
2075 identifiable records or reports of students to the following

2076 persons or organizations:

2077 a. A court of competent jurisdiction in compliance with an  
2078 order of that court or the attorney of record in accordance with  
2079 a lawfully issued subpoena, consistent with the Family  
2080 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

2081 b. A person or entity authorized by a court of competent  
2082 jurisdiction in compliance with an order of that court or the  
2083 attorney of record pursuant to a lawfully issued subpoena,  
2084 consistent with the Family Educational Rights and Privacy Act,  
2085 20 U.S.C. s. 1232g.

2086 c. Any person, entity, or authority issuing a subpoena for  
2087 law enforcement purposes when the court or other issuing agency  
2088 has ordered that the existence or the contents of the subpoena  
2089 or the information furnished in response to the subpoena not be  
2090 disclosed, consistent with the Family Educational Rights and  
2091 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

2092  
2093 The commissioner's order suspending payment pursuant to this  
2094 paragraph may be appealed pursuant to the same procedures and  
2095 timelines as the notice of proposed action set forth in  
2096 paragraph (d).

2097 (4) ~~(6)~~ The inclusion of eligible private schools within  
2098 options available to Florida public school students does not  
2099 expand the regulatory authority of the state, its officers, or  
2100 any school district to impose any additional regulation of

2101 private schools beyond those reasonably necessary to enforce  
2102 requirements expressly set forth in this section.

2103 (5)~~(7)~~ The State Board of Education shall adopt rules  
2104 pursuant to ss. 120.536(1) and 120.54 to administer this  
2105 section, including rules to establish a deadline for private  
2106 school applications for participation and timelines for the  
2107 department to conduct site visits.

2108 Section 17. Subsections (8) through (14) of section  
2109 1002.39, Florida Statutes, are renumbered as subsections (7)  
2110 through (13), respectively, and paragraph (b) of subsection (2),  
2111 paragraph (h) of subsection (3), and present subsections (6),  
2112 (7), and (8) of that section are amended, to read:

2113 1002.39 The John M. McKay Scholarships for Students with  
2114 Disabilities Program.—There is established a program that is  
2115 separate and distinct from the Opportunity Scholarship Program  
2116 and is named the John M. McKay Scholarships for Students with  
2117 Disabilities Program.

2118 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
2119 student with a disability may request and receive from the state  
2120 a John M. McKay Scholarship for the child to enroll in and  
2121 attend a private school in accordance with this section if:

2122 (b) The parent has obtained acceptance for admission of  
2123 the student to a private school that is eligible for the program  
2124 under subsection (7) ~~subsection (8)~~ and has requested from the  
2125 department a scholarship at least 60 days before the date of the

2126 first scholarship payment. The request must be communicated  
 2127 directly to the department in a manner that creates a written or  
 2128 electronic record of the request and the date of receipt of the  
 2129 request. The department must notify the district of the parent's  
 2130 intent upon receipt of the parent's request.

2131 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is  
 2132 not eligible for a John M. McKay Scholarship:

2133 (h) While he or she is not having regular and direct  
 2134 contact with his or her private school teachers at the school's  
 2135 physical location unless he or she is enrolled in the private  
 2136 school's transition-to-work program pursuant to subsection (9)  
 2137 ~~subsection (10)~~; or

2138 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
 2139 shall:

2140 ~~(a) Establish a toll-free hotline that provides parents~~  
 2141 ~~and private schools with information on participation in the~~  
 2142 ~~John M. McKay Scholarships for Students with Disabilities~~  
 2143 ~~Program.~~

2144 ~~(b) Annually verify the eligibility of private schools~~  
 2145 ~~that meet the requirements of subsection (8).~~

2146 ~~(c) Establish a process by which individuals may notify~~  
 2147 ~~the department of any violation by a parent, private school, or~~  
 2148 ~~school district of state laws relating to program participation.~~  
 2149 ~~The department shall conduct an inquiry of any written complaint~~  
 2150 ~~of a violation of this section, or make a referral to the~~

2151 ~~appropriate agency for an investigation, if the complaint is~~  
2152 ~~signed by the complainant and is legally sufficient. A complaint~~  
2153 ~~is legally sufficient if it contains ultimate facts that show~~  
2154 ~~that a violation of this section or any rule adopted by the~~  
2155 ~~State Board of Education has occurred. In order to determine~~  
2156 ~~legal sufficiency, the department may require supporting~~  
2157 ~~information or documentation from the complainant. A department~~  
2158 ~~inquiry is not subject to the requirements of chapter 120.~~

2159 ~~(d) Require an annual, notarized, sworn compliance~~  
2160 ~~statement by participating private schools certifying compliance~~  
2161 ~~with state laws and shall retain such records.~~

2162 ~~(e) cross-check the list of participating scholarship~~  
2163 ~~students with the public school enrollment lists prior to each~~  
2164 ~~scholarship payment to avoid duplication.~~

2165 ~~(f)1. Conduct random site visits to private schools~~  
2166 ~~participating in the John M. McKay Scholarships for Students~~  
2167 ~~with Disabilities Program. The purpose of the site visits is~~  
2168 ~~solely to verify the information reported by the schools~~  
2169 ~~concerning the enrollment and attendance of students, the~~  
2170 ~~credentials of teachers, background screening of teachers, and~~  
2171 ~~teachers' fingerprinting results, which information is required~~  
2172 ~~by rules of the State Board of Education, subsection (8), and s.~~  
2173 ~~1002.421. The Department of Education may not make more than~~  
2174 ~~three random site visits each year and may not make more than~~  
2175 ~~one random site visit each year to the same private school.~~

2176           ~~2. Annually, by December 15, report to the Governor, the~~  
2177 ~~President of the Senate, and the Speaker of the House of~~  
2178 ~~Representatives the Department of Education's actions with~~  
2179 ~~respect to implementing accountability in the scholarship~~  
2180 ~~program under this section and s. 1002.421, any substantiated~~  
2181 ~~allegations or violations of law or rule by an eligible private~~  
2182 ~~school under this program concerning the enrollment and~~  
2183 ~~attendance of students, the credentials of teachers, background~~  
2184 ~~screening of teachers, and teachers' fingerprinting results and~~  
2185 ~~the corrective action taken by the Department of Education.~~

2186           ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.~~

2187           ~~(a) The Commissioner of Education:~~

2188           ~~1. Shall deny, suspend, or revoke a private school's~~  
2189 ~~participation in the scholarship program if it is determined~~  
2190 ~~that the private school has failed to comply with the provisions~~  
2191 ~~of this section. However, if the noncompliance is correctable~~  
2192 ~~within a reasonable amount of time and if the health, safety, or~~  
2193 ~~welfare of the students is not threatened, the commissioner may~~  
2194 ~~issue a notice of noncompliance which provides the private~~  
2195 ~~school with a timeframe within which to provide evidence of~~  
2196 ~~compliance before taking action to suspend or revoke the private~~  
2197 ~~school's participation in the scholarship program.~~

2198           ~~2. May deny, suspend, or revoke a private school's~~  
2199 ~~participation in the scholarship program if the commissioner~~  
2200 ~~determines that an owner or operator of the private school is~~



2201 ~~operating or has operated an educational institution in this~~  
 2202 ~~state or in another state or jurisdiction in a manner contrary~~  
 2203 ~~to the health, safety, or welfare of the public.~~

2204 ~~a. In making such a determination, the commissioner may~~  
 2205 ~~consider factors that include, but are not limited to, acts or~~  
 2206 ~~omissions by an owner or operator which led to a previous denial~~  
 2207 ~~or revocation of participation in an education scholarship~~  
 2208 ~~program; an owner's or operator's failure to reimburse the~~  
 2209 ~~Department of Education for scholarship funds improperly~~  
 2210 ~~received or retained by a school; imposition of a prior criminal~~  
 2211 ~~sanction related to an owner's or operator's management or~~  
 2212 ~~operation of an educational institution; imposition of a civil~~  
 2213 ~~fine or administrative fine, license revocation or suspension,~~  
 2214 ~~or program eligibility suspension, termination, or revocation~~  
 2215 ~~related to an owner's or operator's management or operation of~~  
 2216 ~~an educational institution; or other types of criminal~~  
 2217 ~~proceedings in which an owner or operator was found guilty of,~~  
 2218 ~~regardless of adjudication, or entered a plea of nolo contendere~~  
 2219 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~  
 2220 ~~or moral turpitude.~~

2221 ~~b. For purposes of this subparagraph, the term "owner or~~  
 2222 ~~operator" includes an owner, operator, superintendent, or~~  
 2223 ~~principal of, or a person who has equivalent decisionmaking~~  
 2224 ~~authority over, a private school participating in the~~  
 2225 ~~scholarship program.~~

2226 ~~(b) The commissioner's determination is subject to the~~  
2227 ~~following:~~

2228 ~~1. If the commissioner intends to deny, suspend, or revoke~~  
2229 ~~a private school's participation in the scholarship program, the~~  
2230 ~~department shall notify the private school of such proposed~~  
2231 ~~action in writing by certified mail and regular mail to the~~  
2232 ~~private school's address of record with the department. The~~  
2233 ~~notification shall include the reasons for the proposed action~~  
2234 ~~and notice of the timelines and procedures set forth in this~~  
2235 ~~paragraph.~~

2236 ~~2. The private school that is adversely affected by the~~  
2237 ~~proposed action shall have 15 days from receipt of the notice of~~  
2238 ~~proposed action to file with the department's agency clerk a~~  
2239 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~  
2240 ~~the private school is entitled to a hearing under s. 120.57(1),~~  
2241 ~~the department shall forward the request to the Division of~~  
2242 ~~Administrative Hearings.~~

2243 ~~3. Upon receipt of a request referred pursuant to this~~  
2244 ~~paragraph, the director of the Division of Administrative~~  
2245 ~~Hearings shall expedite the hearing and assign an administrative~~  
2246 ~~law judge who shall commence a hearing within 30 days after the~~  
2247 ~~receipt of the formal written request by the division and enter~~  
2248 ~~a recommended order within 30 days after the hearing or within~~  
2249 ~~30 days after receipt of the hearing transcript, whichever is~~  
2250 ~~later. Each party shall be allowed 10 days in which to submit~~

2251 ~~written exceptions to the recommended order. A final order shall~~  
 2252 ~~be entered by the agency within 30 days after the entry of a~~  
 2253 ~~recommended order. The provisions of this subparagraph may be~~  
 2254 ~~waived upon stipulation by all parties.~~

2255 ~~(c) The commissioner may immediately suspend payment of~~  
 2256 ~~scholarship funds if it is determined that there is probable~~  
 2257 ~~cause to believe that there is:~~

2258 ~~1. An imminent threat to the health, safety, or welfare of~~  
 2259 ~~the students; or~~

2260 ~~2. Fraudulent activity on the part of the private school.~~  
 2261 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~  
 2262 ~~activity pursuant to this section, the Department of Education's~~  
 2263 ~~Office of Inspector General is authorized to release personally~~  
 2264 ~~identifiable records or reports of students to the following~~  
 2265 ~~persons or organizations:~~

2266 ~~a. A court of competent jurisdiction in compliance with an~~  
 2267 ~~order of that court or the attorney of record in accordance with~~  
 2268 ~~a lawfully issued subpoena, consistent with the Family~~  
 2269 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

2270 ~~b. A person or entity authorized by a court of competent~~  
 2271 ~~jurisdiction in compliance with an order of that court or the~~  
 2272 ~~attorney of record pursuant to a lawfully issued subpoena,~~  
 2273 ~~consistent with the Family Educational Rights and Privacy Act,~~  
 2274 ~~20 U.S.C. s. 1232g.~~

2275 ~~c. Any person, entity, or authority issuing a subpoena for~~

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2276 ~~law enforcement purposes when the court or other issuing agency~~  
2277 ~~has ordered that the existence or the contents of the subpoena~~  
2278 ~~or the information furnished in response to the subpoena not be~~  
2279 ~~disclosed, consistent with the Family Educational Rights and~~  
2280 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

2281  
2282 ~~The commissioner's order suspending payment pursuant to this~~  
2283 ~~paragraph may be appealed pursuant to the same procedures and~~  
2284 ~~timelines as the notice of proposed action set forth in~~  
2285 ~~paragraph (b).~~

2286 (7)~~(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
2287 eligible to participate in the John M. McKay Scholarships for  
2288 Students with Disabilities Program, a private school may be  
2289 sectarian or nonsectarian and must:

2290 (a) Comply with all requirements for private schools  
2291 participating in state school choice scholarship programs  
2292 pursuant to s. 1002.421.

2293 (b) Provide to the department all documentation required  
2294 for a student's participation, including the private school's  
2295 and student's fee schedules, at least 30 days before any  
2296 quarterly scholarship payment is made for the student pursuant  
2297 to paragraph (10) (e) ~~paragraph (11) (e)~~. A student is not  
2298 eligible to receive a quarterly scholarship payment if the  
2299 private school fails to meet this deadline.

2300 ~~(c) Be academically accountable to the parent for meeting~~

2301 ~~the educational needs of the student by:~~

2302 ~~1. At a minimum, annually providing to the parent a~~  
2303 ~~written explanation of the student's progress.~~

2304 ~~2. Cooperating with the scholarship student whose parent~~  
2305 ~~chooses to participate in the statewide assessments pursuant to~~  
2306 ~~s. 1008.22.~~

2307 ~~(d) Maintain in this state a physical location where a~~  
2308 ~~scholarship student regularly attends classes.~~

2309

2310 The failure ~~inability~~ of a private school to meet the  
2311 requirements of this subsection or s. 1002.421 shall constitute  
2312 a basis for the ineligibility of the private school to  
2313 participate in the scholarship program as determined by the  
2314 department.

2315 Section 18. Subsections (12) through (16) of section  
2316 1002.395, Florida Statutes, are renumbered as subsections (11)  
2317 through (15), respectively, and paragraph (f) of subsection (2),  
2318 paragraphs (n), (o), and (p) of subsection (6), and present  
2319 subsections (8), (9), and (11) of that section are amended to  
2320 read:

2321 1002.395 Florida Tax Credit Scholarship Program.—

2322 (2) DEFINITIONS.—As used in this section, the term:

2323 (f) "Eligible nonprofit scholarship-funding organization"  
2324 means a state university; or an independent college or  
2325 university that is eligible to participate in the William L.

2326 Boyd, IV, Florida Resident Access Grant Program, located and  
 2327 chartered in this state, is not for profit, and is accredited by  
 2328 the Commission on Colleges of the Southern Association of  
 2329 Colleges and Schools; or is a charitable organization that:

2330 1. Is exempt from federal income tax pursuant to s.  
 2331 501(c)(3) of the Internal Revenue Code;

2332 2. Is a Florida entity formed under chapter 605, chapter  
 2333 607, or chapter 617 and whose principal office is located in the  
 2334 state; and

2335 3. Complies with subsections (6) and (15) ~~subsections (6)~~  
 2336 ~~and (16)~~.

2337 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
 2338 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
 2339 organization:

2340 (n) Must prepare and submit quarterly reports to the  
 2341 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~  
 2342 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding  
 2343 organization must submit in a timely manner any information  
 2344 requested by the Department of Education relating to the  
 2345 scholarship program.

2346 (o)1.a. Must participate in the joint development of  
 2347 agreed-upon procedures ~~to be performed by an independent~~  
 2348 ~~certified public accountant as required under paragraph (8)(e)~~  
 2349 ~~if the scholarship-funding organization provided more than~~  
 2350 ~~\$250,000 in scholarship funds to an eligible private school~~

2351 ~~under this section~~ during the 2009-2010 state fiscal year. The  
2352 agreed-upon procedures must uniformly apply to all private  
2353 schools and must determine, at a minimum, whether the private  
2354 school has been verified as eligible by the Department of  
2355 Education under s. 1002.421 ~~paragraph (9)(c)~~; has an adequate  
2356 accounting system, system of financial controls, and process for  
2357 deposit and classification of scholarship funds; and has  
2358 properly expended scholarship funds for education-related  
2359 expenses. During the development of the procedures, the  
2360 participating scholarship-funding organizations shall specify  
2361 guidelines governing the materiality of exceptions that may be  
2362 found during the accountant's performance of the procedures. The  
2363 procedures and guidelines shall be provided to private schools  
2364 and the Commissioner of Education by March 15, 2011.

2365 b. Must participate in a joint review of the agreed-upon  
2366 procedures and guidelines developed under sub-subparagraph a.,  
2367 by February of each biennium ~~2013 and biennially thereafter~~, if  
2368 the scholarship-funding organization provided more than \$250,000  
2369 in scholarship funds to an eligible private school under this  
2370 chapter ~~section~~ during the state fiscal year preceding the  
2371 biennial review. If the procedures and guidelines are revised,  
2372 the revisions must be provided to private schools and the  
2373 Commissioner of Education by March 15 of the year in which the  
2374 revisions were completed. The revised agreed-upon procedures  
2375 shall take effect the subsequent school year. For the 2018-2019

2376 school year only, the joint review of the agreed-upon procedures  
2377 must be completed and the revisions submitted to the  
2378 commissioner no later than September 15, 2018. The revised  
2379 procedures are applicable to the 2018-2019 school year, ~~2013,~~  
2380 and biennially thereafter.

2381 c. Must monitor the compliance of a private school with  
2382 s. 1002.421(1)(q) paragraph (8)(e) if the scholarship-funding  
2383 organization provided the majority of the scholarship funding to  
2384 the school. For each private school subject to s. 1002.421(1)(q)  
2385 paragraph (8)(e), the appropriate scholarship-funding  
2386 organization shall annually notify the Commissioner of Education  
2387 by October 30, ~~2011,~~ and ~~annually thereafter~~ of:

2388 (I) A private school's failure to submit a report required  
2389 under s. 1002.421(1)(q) paragraph (8)(e); or

2390 (II) Any material exceptions set forth in the report  
2391 required under s. 1002.421(1)(q) paragraph (8)(e).

2392 2. Must seek input from the accrediting associations that  
2393 are members of the Florida Association of Academic Nonpublic  
2394 Schools when jointly developing the agreed-upon procedures and  
2395 guidelines under sub-subparagraph 1.a. and conducting a review  
2396 of those procedures and guidelines under sub-subparagraph 1.b.

2397 (p) Must maintain the surety bond or letter of credit  
2398 required by subsection (15) ~~subsection (16)~~. The amount of the  
2399 surety bond or letter of credit may be adjusted quarterly to  
2400 equal the actual amount of undisbursed funds based upon



2401 submission by the organization of a statement from a certified  
 2402 public accountant verifying the amount of undisbursed funds. The  
 2403 requirements of this paragraph are waived if the cost of  
 2404 acquiring a surety bond or letter of credit exceeds the average  
 2405 10-year cost of acquiring a surety bond or letter of credit by  
 2406 200 percent. The requirements of this paragraph are waived for a  
 2407 state university; or an independent college or university which  
 2408 is eligible to participate in the William L. Boyd, IV, Florida  
 2409 Resident Access Grant Program, located and chartered in this  
 2410 state, is not for profit, and is accredited by the Commission on  
 2411 Colleges of the Southern Association of Colleges and Schools.

2412  
 2413 Information and documentation provided to the Department of  
 2414 Education and the Auditor General relating to the identity of a  
 2415 taxpayer that provides an eligible contribution under this  
 2416 section shall remain confidential at all times in accordance  
 2417 with s. 213.053.

2418 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
 2419 eligible private school may be sectarian or nonsectarian and  
 2420 must:

2421 (a) Comply with all requirements for private schools  
 2422 participating in state school choice scholarship programs  
 2423 pursuant to s. 1002.421.

2424 ~~(b) Provide to the eligible nonprofit scholarship-funding~~  
 2425 ~~organization, upon request, all documentation required for the~~

2426 ~~student's participation, including the private school's and~~  
2427 ~~student's fee schedules.~~

2428 ~~(c) Be academically accountable to the parent for meeting~~  
2429 ~~the educational needs of the student by:~~

2430 ~~1. At a minimum, annually providing to the parent a~~  
2431 ~~written explanation of the student's progress.~~

2432 (b)1.2. Annually administer or make administering or  
2433 ~~making~~ provision for students participating in the scholarship  
2434 program in grades 3 through 10 to take one of the nationally  
2435 norm-referenced tests identified by the Department of Education  
2436 or the statewide assessments pursuant to s. 1008.22. Students  
2437 with disabilities for whom standardized testing is not  
2438 appropriate are exempt from this requirement. A participating  
2439 private school must report a student's scores to the parent. A  
2440 participating private school must annually report by August 15  
2441 the scores of all participating students to a state university  
2442 ~~the Learning System Institute~~ described in paragraph (9) (f)  
2443 ~~paragraph (9) (j).~~

2444 2. Administer ~~3. Cooperating with the scholarship student~~  
2445 ~~whose parent chooses to have the student participate in the~~  
2446 statewide assessments pursuant to s. 1008.22 ~~or,~~ if a private  
2447 school chooses to offer the statewide assessments, ~~administering~~  
2448 ~~the assessments at the school.~~

2449 ~~a.~~ A participating private school may choose to offer and  
2450 administer the statewide assessments to all students who attend

2451 the private school in grades 3 through 10 and-

2452 ~~b. A participating private school must submit a request in~~  
 2453 ~~writing to the Department of Education by March 1 of each year~~  
 2454 ~~in order to administer the statewide assessments in the~~  
 2455 ~~subsequent school year.~~

2456 ~~(d) Employ or contract with teachers who have regular and~~  
 2457 ~~direct contact with each student receiving a scholarship under~~  
 2458 ~~this section at the school's physical location.~~

2459 ~~(e) Provide a report from an independent certified public~~  
 2460 ~~accountant who performs the agreed-upon procedures developed~~  
 2461 ~~under paragraph (6) (o) if the private school receives more than~~  
 2462 ~~\$250,000 in funds from scholarships awarded under this section~~  
 2463 ~~in a state fiscal year. A private school subject to this~~  
 2464 ~~paragraph must annually submit the report by September 15 to the~~  
 2465 ~~scholarship funding organization that awarded the majority of~~  
 2466 ~~the school's scholarship funds. The agreed-upon procedures must~~  
 2467 ~~be conducted in accordance with attestation standards~~  
 2468 ~~established by the American Institute of Certified Public~~  
 2469 ~~Accountants.~~

2470  
 2471 The failure of ~~If~~ a private school ~~is unable~~ to meet the  
 2472 requirements of this subsection shall constitute a basis for the  
 2473 ineligibility of the private school ~~or has consecutive years of~~  
 2474 ~~material exceptions listed in the report required under~~  
 2475 ~~paragraph (e), the commissioner may determine that the private~~

2476 ~~school is ineligible~~ to participate in the scholarship program  
2477 as determined by the Department of Education.

2478 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
2479 Education shall:

2480 (a) Annually submit to the department and division, by  
2481 March 15, a list of eligible nonprofit scholarship-funding  
2482 organizations that meet the requirements of paragraph (2) (f).

2483 (b) Annually verify the eligibility of nonprofit  
2484 scholarship-funding organizations that meet the requirements of  
2485 paragraph (2) (f).

2486 ~~(c) Annually verify the eligibility of private schools  
2487 that meet the requirements of subsection (8).~~

2488 (c) ~~(d)~~ Annually verify the eligibility of expenditures as  
2489 provided in paragraph (6) (d) using the audit required by  
2490 paragraph (6) (m) and s. 11.45(2) (k).

2491 ~~(e) Establish a toll-free hotline that provides parents  
2492 and private schools with information on participation in the  
2493 scholarship program.~~

2494 ~~(f) Establish a process by which individuals may notify  
2495 the Department of Education of any violation by a parent,  
2496 private school, or school district of state laws relating to  
2497 program participation. The Department of Education shall conduct  
2498 an inquiry of any written complaint of a violation of this  
2499 section, or make a referral to the appropriate agency for an  
2500 investigation, if the complaint is signed by the complainant and~~

2501 ~~is legally sufficient. A complaint is legally sufficient if it~~  
2502 ~~contains ultimate facts that show that a violation of this~~  
2503 ~~section or any rule adopted by the State Board of Education has~~  
2504 ~~occurred. In order to determine legal sufficiency, the~~  
2505 ~~Department of Education may require supporting information or~~  
2506 ~~documentation from the complainant. A department inquiry is not~~  
2507 ~~subject to the requirements of chapter 120.~~

2508 ~~(g) Require an annual, notarized, sworn compliance~~  
2509 ~~statement by participating private schools certifying compliance~~  
2510 ~~with state laws and shall retain such records.~~

2511 ~~(d)(h)~~ (d) Cross-check the list of participating scholarship  
2512 students with the public school enrollment lists to avoid  
2513 duplication.

2514 ~~(e)(i)~~ (e) Maintain a list of nationally norm-referenced tests  
2515 identified for purposes of satisfying the testing requirement in  
2516 subparagraph (8) (b) 1 ~~subparagraph (8) (c) 2~~. The tests must meet  
2517 industry standards of quality in accordance with State Board of  
2518 Education rule.

2519 ~~(f)(j)~~ (f) Issue a project grant award to a state university  
2520 ~~the Learning System Institute at the Florida State University,~~  
2521 to which participating private schools must report the scores of  
2522 participating students on the nationally norm-referenced tests  
2523 or the statewide assessments administered by the private school  
2524 in grades 3 through 10. The project term is 2 years, and the  
2525 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The

2526 project grant award must be reissued in 2-year intervals in  
2527 accordance with this paragraph.

2528 1. The state university ~~Learning System Institute~~ must  
2529 annually report to the Department of Education on the student  
2530 performance of participating students:

2531 a. On a statewide basis. The report shall also include, to  
2532 the extent possible, a comparison of scholarship students'  
2533 performance to the statewide student performance of public  
2534 school students with socioeconomic backgrounds similar to those  
2535 of students participating in the scholarship program. To  
2536 minimize costs and reduce time required for the state  
2537 university's ~~Learning System Institute's~~ analysis and  
2538 evaluation, the Department of Education shall coordinate with  
2539 the state university ~~Learning System Institute~~ to provide data  
2540 to the state university ~~Learning System Institute~~ in order to  
2541 conduct analyses of matched students from public school  
2542 assessment data and calculate control group student performance  
2543 using an agreed-upon methodology with the state university  
2544 ~~Learning System Institute~~; and

2545 b. On an individual school basis. The annual report must  
2546 include student performance for each participating private  
2547 school in which at least 51 percent of the total enrolled  
2548 students in the private school participated in the Florida Tax  
2549 Credit Scholarship Program in the prior school year. The report  
2550 shall be according to each participating private school, and for

2551 participating students, in which there are at least 30  
2552 participating students who have scores for tests administered.  
2553 If the state university ~~Learning System Institute~~ determines  
2554 that the 30-participating-student cell size may be reduced  
2555 without disclosing personally identifiable information, as  
2556 described in 34 C.F.R. s. 99.12, of a participating student, the  
2557 state university ~~Learning System Institute~~ may reduce the  
2558 participating-student cell size, but the cell size must not be  
2559 reduced to less than 10 participating students. The department  
2560 shall provide each private school's prior school year's student  
2561 enrollment information to the state university ~~Learning System~~  
2562 ~~Institute~~ no later than June 15 of each year, or as requested by  
2563 the state university ~~Learning System Institute~~.

2564 2. The sharing and reporting of student performance data  
2565 under this paragraph must be in accordance with requirements of  
2566 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family  
2567 Educational Rights and Privacy Act, and the applicable rules and  
2568 regulations issued pursuant thereto, and shall be for the sole  
2569 purpose of creating the annual report required by subparagraph  
2570 1. All parties must preserve the confidentiality of such  
2571 information as required by law. The annual report must not  
2572 disaggregate data to a level that will identify individual  
2573 participating schools, except as required under sub-subparagraph  
2574 1.b., or disclose the academic level of individual students.

2575 3. The annual report required by subparagraph 1. shall be

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2576 published by the Department of Education on its website.

2577 (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding  
2578 organization of any of the organization's identified students  
2579 who are receiving educational scholarships pursuant to chapter  
2580 1002.

2581 (h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding  
2582 organization of any of the organization's identified students  
2583 who are receiving tax credit scholarships from other eligible  
2584 nonprofit scholarship-funding organizations.

2585 (i) ~~(m)~~ Require quarterly reports by an eligible nonprofit  
2586 scholarship-funding organization regarding the number of  
2587 students participating in the scholarship program, the private  
2588 schools at which the students are enrolled, and other  
2589 information deemed necessary by the Department of Education.

2590 ~~(n)1. Conduct site visits to private schools participating~~  
2591 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~  
2592 ~~the site visits is solely to verify the information reported by~~  
2593 ~~the schools concerning the enrollment and attendance of~~  
2594 ~~students, the credentials of teachers, background screening of~~  
2595 ~~teachers, and teachers' fingerprinting results. The Department~~  
2596 ~~of Education may not make more than seven site visits each year;~~  
2597 ~~however, the department may make additional site visits at any~~  
2598 ~~time to any school that has received a notice of noncompliance~~  
2599 ~~or a notice of proposed action within the previous 2 years.~~

2600 ~~2. Annually, by December 15, report to the Governor, the~~



2601 ~~President of the Senate, and the Speaker of the House of~~  
2602 ~~Representatives the Department of Education's actions with~~  
2603 ~~respect to implementing accountability in the scholarship~~  
2604 ~~program under this section and s. 1002.421, any substantiated~~  
2605 ~~allegations or violations of law or rule by an eligible private~~  
2606 ~~school under this program concerning the enrollment and~~  
2607 ~~attendance of students, the credentials of teachers, background~~  
2608 ~~screening of teachers, and teachers' fingerprinting results and~~  
2609 ~~the corrective action taken by the Department of Education.~~

2610 (j) ~~(e)~~ Provide a process to match the direct certification  
2611 list with the scholarship application data submitted by any  
2612 nonprofit scholarship-funding organization eligible to receive  
2613 the 3-percent administrative allowance under paragraph (6)(j).

2614 (k) ~~(p)~~ Upon the request of a participating private school,  
2615 provide at no cost to the school the statewide assessments  
2616 administered under s. 1008.22 and any related materials for  
2617 administering the assessments. Students at a private school may  
2618 be assessed using the statewide assessments if the addition of  
2619 those students and the school does not cause the state to exceed  
2620 its contractual caps for the number of students tested and the  
2621 number of testing sites. The state shall provide the same  
2622 materials and support to a private school that it provides to a  
2623 public school. A private school that chooses to administer  
2624 statewide assessments under s. 1008.22 shall follow the  
2625 requirements set forth in ss. 1008.22 and 1008.24, rules adopted

2626 by the State Board of Education to implement those sections, and  
 2627 district-level testing policies established by the district  
 2628 school board.

2629 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

2630 ~~(a)1. The Commissioner of Education shall deny, suspend,~~  
 2631 ~~or revoke a private school's participation in the scholarship~~  
 2632 ~~program if it is determined that the private school has failed~~  
 2633 ~~to comply with the provisions of this section. However, in~~  
 2634 ~~instances in which the noncompliance is correctable within a~~  
 2635 ~~reasonable amount of time and in which the health, safety, or~~  
 2636 ~~welfare of the students is not threatened, the commissioner may~~  
 2637 ~~issue a notice of noncompliance that shall provide the private~~  
 2638 ~~school with a timeframe within which to provide evidence of~~  
 2639 ~~compliance prior to taking action to suspend or revoke the~~  
 2640 ~~private school's participation in the scholarship program.~~

2641 ~~2. The Commissioner of Education may deny, suspend, or~~  
 2642 ~~revoke a private school's participation in the scholarship~~  
 2643 ~~program if the commissioner determines that:~~

2644 ~~a. An owner or operator of a private school has exhibited~~  
 2645 ~~a previous pattern of failure to comply with this section or s.~~  
 2646 ~~1002.421; or~~

2647 ~~b. An owner or operator of the private school is operating~~  
 2648 ~~or has operated an educational institution in this state or~~  
 2649 ~~another state or jurisdiction in a manner contrary to the~~  
 2650 ~~health, safety, or welfare of the public.~~

2651  
2652 ~~In making the determination under this subparagraph, the~~  
2653 ~~commissioner may consider factors that include, but are not~~  
2654 ~~limited to, acts or omissions by an owner or operator that led~~  
2655 ~~to a previous denial or revocation of participation in an~~  
2656 ~~education scholarship program; an owner's or operator's failure~~  
2657 ~~to reimburse the Department of Education or a nonprofit~~  
2658 ~~scholarship funding organization for scholarship funds~~  
2659 ~~improperly received or retained by a school; imposition of a~~  
2660 ~~prior criminal sanction, civil fine, administrative fine,~~  
2661 ~~license revocation or suspension, or program eligibility~~  
2662 ~~suspension, termination, or revocation related to an owner's or~~  
2663 ~~operator's management or operation of an educational~~  
2664 ~~institution; or other types of criminal proceedings in which the~~  
2665 ~~owner or operator was found guilty of, regardless of~~  
2666 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~  
2667 ~~any offense involving fraud, deceit, dishonesty, or moral~~  
2668 ~~turpitude.~~

2669 ~~(b) The commissioner's determination is subject to the~~  
2670 ~~following:~~

2671 ~~1. If the commissioner intends to deny, suspend, or revoke~~  
2672 ~~a private school's participation in the scholarship program, the~~  
2673 ~~Department of Education shall notify the private school of such~~  
2674 ~~proposed action in writing by certified mail and regular mail to~~  
2675 ~~the private school's address of record with the Department of~~

2676 ~~Education. The notification shall include the reasons for the~~  
2677 ~~proposed action and notice of the timelines and procedures set~~  
2678 ~~forth in this paragraph.~~

2679 ~~2. The private school that is adversely affected by the~~  
2680 ~~proposed action shall have 15 days from receipt of the notice of~~  
2681 ~~proposed action to file with the Department of Education's~~  
2682 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~  
2683 ~~and 120.57. If the private school is entitled to a hearing under~~  
2684 ~~s. 120.57(1), the Department of Education shall forward the~~  
2685 ~~request to the Division of Administrative Hearings.~~

2686 ~~3. Upon receipt of a request referred pursuant to this~~  
2687 ~~paragraph, the director of the Division of Administrative~~  
2688 ~~Hearings shall expedite the hearing and assign an administrative~~  
2689 ~~law judge who shall commence a hearing within 30 days after the~~  
2690 ~~receipt of the formal written request by the division and enter~~  
2691 ~~a recommended order within 30 days after the hearing or within~~  
2692 ~~30 days after receipt of the hearing transcript, whichever is~~  
2693 ~~later. Each party shall be allowed 10 days in which to submit~~  
2694 ~~written exceptions to the recommended order. A final order shall~~  
2695 ~~be entered by the agency within 30 days after the entry of a~~  
2696 ~~recommended order. The provisions of this subparagraph may be~~  
2697 ~~waived upon stipulation by all parties.~~

2698 ~~(c) The commissioner may immediately suspend payment of~~  
2699 ~~scholarship funds if it is determined that there is probable~~  
2700 ~~cause to believe that there is:~~

2701           ~~1. An imminent threat to the health, safety, and welfare~~  
2702 ~~of the students;~~

2703           ~~2. A previous pattern of failure to comply with this~~  
2704 ~~section or s. 1002.421; or~~

2705           ~~3. Fraudulent activity on the part of the private school.~~  
2706 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~  
2707 ~~activity pursuant to this section, the Department of Education's~~  
2708 ~~Office of Inspector General is authorized to release personally~~  
2709 ~~identifiable records or reports of students to the following~~  
2710 ~~persons or organizations:~~

2711           ~~a. A court of competent jurisdiction in compliance with an~~  
2712 ~~order of that court or the attorney of record in accordance with~~  
2713 ~~a lawfully issued subpoena, consistent with the Family~~  
2714 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

2715           ~~b. A person or entity authorized by a court of competent~~  
2716 ~~jurisdiction in compliance with an order of that court or the~~  
2717 ~~attorney of record pursuant to a lawfully issued subpoena,~~  
2718 ~~consistent with the Family Educational Rights and Privacy Act,~~  
2719 ~~20 U.S.C. s. 1232g.~~

2720           ~~c. Any person, entity, or authority issuing a subpoena for~~  
2721 ~~law enforcement purposes when the court or other issuing agency~~  
2722 ~~has ordered that the existence or the contents of the subpoena~~  
2723 ~~or the information furnished in response to the subpoena not be~~  
2724 ~~disclosed, consistent with the Family Educational Rights and~~  
2725 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

2726  
2727 ~~The commissioner's order suspending payment pursuant to this~~  
2728 ~~paragraph may be appealed pursuant to the same procedures and~~  
2729 ~~timelines as the notice of proposed action set forth in~~  
2730 ~~paragraph (b).~~

2731 Section 19. Present paragraph (c) of subsection (9) of  
2732 section 1002.37, Florida Statutes, is amended, and a new  
2733 paragraph (c) is added to that subsection, to read:

2734 (9)

2735 (c) Industry certification examinations, national  
2736 assessments, and statewide assessments offered by the school  
2737 district shall be available to all Florida Virtual School  
2738 students.

2739 ~~(d)-(e)~~ Unless an alternative testing site is mutually  
2740 agreed to by the Florida Virtual School and the school district  
2741 or as contracted under s. 1008.24, all industry certification  
2742 examinations, national assessments, and statewide assessments  
2743 must be taken at the school to which the student would be  
2744 assigned according to district school board attendance areas. A  
2745 school district must provide the student with access to the  
2746 school's testing facilities and the date and time of the  
2747 administration of each examination or assessment.

2748 Section 20. Paragraphs (o) and (t) of subsection (1) of  
2749 section 1011.62, Florida Statutes, are amended to read:

2750 1011.62 Funds for operation of schools.—If the annual

2751 allocation from the Florida Education Finance Program to each  
 2752 district for operation of schools is not determined in the  
 2753 annual appropriations act or the substantive bill implementing  
 2754 the annual appropriations act, it shall be determined as  
 2755 follows:

2756 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 2757 OPERATION.—The following procedure shall be followed in  
 2758 determining the annual allocation to each district for  
 2759 operation:

2760 (o) Calculation of additional full-time equivalent  
 2761 membership based on successful completion of a career-themed  
 2762 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or  
 2763 courses with embedded CAPE industry certifications or CAPE  
 2764 Digital Tool certificates, and issuance of industry  
 2765 certification identified on the CAPE Industry Certification  
 2766 Funding List pursuant to rules adopted by the State Board of  
 2767 Education or CAPE Digital Tool certificates pursuant to s.  
 2768 1003.4203.—

2769 1.a. A value of 0.025 full-time equivalent student  
 2770 membership shall be calculated for CAPE Digital Tool  
 2771 certificates earned by students in elementary and middle school  
 2772 grades.

2773 b. A value of 0.1 or 0.2 full-time equivalent student  
 2774 membership shall be calculated for each student who completes a  
 2775 course as defined in s. 1003.493(1)(b) or courses with embedded

2776 CAPE industry certifications and who is issued an industry  
2777 certification identified annually on the CAPE Industry  
2778 Certification Funding List approved under rules adopted by the  
2779 State Board of Education. A value of 0.2 full-time equivalent  
2780 membership shall be calculated for each student who is issued a  
2781 CAPE industry certification that has a statewide articulation  
2782 agreement for college credit approved by the State Board of  
2783 Education. For CAPE industry certifications that do not  
2784 articulate for college credit, the Department of Education shall  
2785 assign a full-time equivalent value of 0.1 for each  
2786 certification. Middle grades students who earn additional FTE  
2787 membership for a CAPE Digital Tool certificate pursuant to sub-  
2788 subparagraph a. may not use the previously funded examination to  
2789 satisfy the requirements for earning an industry certification  
2790 under this sub-subparagraph. Additional FTE membership for an  
2791 elementary or middle grades student may not exceed 0.1 for  
2792 certificates or certifications earned within the same fiscal  
2793 year. The State Board of Education shall include the assigned  
2794 values on the CAPE Industry Certification Funding List under  
2795 rules adopted by the state board. Such value shall be added to  
2796 the total full-time equivalent student membership for grades 6  
2797 through 12 in the subsequent year. CAPE industry certifications  
2798 earned through dual enrollment must be reported and funded  
2799 pursuant to s. 1011.80. However, if a student earns a  
2800 certification through a dual enrollment course and the



2801 certification is not a fundable certification on the  
2802 postsecondary certification funding list, or the dual enrollment  
2803 certification is earned as a result of an agreement between a  
2804 school district and a nonpublic postsecondary institution, the  
2805 bonus value shall be funded in the same manner as other nondual  
2806 enrollment course industry certifications. In such cases, the  
2807 school district may provide for an agreement between the high  
2808 school and the technical center, or the school district and the  
2809 postsecondary institution may enter into an agreement for  
2810 equitable distribution of the bonus funds.

2811 c. A value of 0.3 full-time equivalent student membership  
2812 shall be calculated for student completion of the courses and  
2813 the embedded certifications identified on the CAPE Industry  
2814 Certification Funding List and approved by the commissioner  
2815 pursuant to ss. 1003.4203(5) (a) and 1008.44.

2816 d. A value of 0.5 full-time equivalent student membership  
2817 shall be calculated for CAPE Acceleration Industry  
2818 Certifications that articulate for 15 to 29 college credit  
2819 hours, and 1.0 full-time equivalent student membership shall be  
2820 calculated for CAPE Acceleration Industry Certifications that  
2821 articulate for 30 or more college credit hours pursuant to CAPE  
2822 Acceleration Industry Certifications approved by the  
2823 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

2824 2. Each district must allocate at least 80 percent of the  
2825 funds provided for CAPE industry certification, in accordance

2826 | with this paragraph, to the program that generated the funds.  
2827 | This allocation may not be used to supplant funds provided for  
2828 | basic operation of the program.

2829 |         3. For CAPE industry certifications earned in the 2013-  
2830 | 2014 school year and in subsequent years, the school district  
2831 | shall distribute to each classroom teacher who provided direct  
2832 | instruction toward the attainment of a CAPE industry  
2833 | certification that qualified for additional full-time equivalent  
2834 | membership under subparagraph 1.:

2835 |             a. A bonus of \$25 for each student taught by a teacher who  
2836 | provided instruction in a course that led to the attainment of a  
2837 | CAPE industry certification on the CAPE Industry Certification  
2838 | Funding List with a weight of 0.1.

2839 |             b. A bonus of \$50 for each student taught by a teacher who  
2840 | provided instruction in a course that led to the attainment of a  
2841 | CAPE industry certification on the CAPE Industry Certification  
2842 | Funding List with a weight of 0.2.

2843 |             c. A bonus of \$75 for each student taught by a teacher who  
2844 | provided instruction in a course that led to the attainment of a  
2845 | CAPE industry certification on the CAPE Industry Certification  
2846 | Funding List with a weight of 0.3.

2847 |             d. A bonus of \$100 for each student taught by a teacher  
2848 | who provided instruction in a course that led to the attainment  
2849 | of a CAPE industry certification on the CAPE Industry  
2850 | Certification Funding List with a weight of 0.5 or 1.0.

2851  
2852 Bonuses awarded pursuant to this paragraph shall be provided to  
2853 teachers who are employed by the district in the year in which  
2854 the additional FTE membership calculation is included in the  
2855 calculation. Bonuses shall be calculated based upon the  
2856 associated weight of a CAPE industry certification on the CAPE  
2857 Industry Certification Funding List for the year in which the  
2858 certification is earned by the student. Any bonus awarded to a  
2859 teacher pursuant to ~~under~~ this paragraph is in addition to any  
2860 regular wage or other bonus the teacher received or is scheduled  
2861 to receive. A bonus may not be awarded to a teacher who fails to  
2862 maintain the security of any CAPE industry certification  
2863 examination or who otherwise violates the security or  
2864 administration protocol of any assessment instrument that may  
2865 result in a bonus being awarded to the teacher under this  
2866 paragraph.

2867 (t) Computation for funding through the Florida Education  
2868 Finance Program.—The State Board of Education may adopt rules  
2869 establishing programs, industry certifications, and courses for  
2870 which the student may earn credit toward high school graduation  
2871 and the criteria under which a student's industry certification  
2872 or grade may be rescinded.

2873 Section 21. Subsection (8) of section 1012.28, Florida  
2874 Statutes, is amended to read:

2875 1012.28 Public school personnel; duties of school

2876 principals.-

2877 (8) The principal of a school participating in the  
 2878 Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202  
 2879 has the following additional authority and responsibilities:

2880 (a) In addition to the authority provided in subsection  
 2881 (6), the authority to select qualified instructional personnel  
 2882 for placement or to refuse to accept the placement or transfer  
 2883 of instructional personnel by the district school  
 2884 superintendent. Placement of instructional personnel at a  
 2885 participating school in a participating school district does not  
 2886 affect the employee's status as a school district employee.

2887 (b) The authority to deploy financial resources to school  
 2888 programs at the principal's discretion to help improve student  
 2889 achievement, as defined in s. 1008.34(1), and meet performance  
 2890 goals identified in the principal autonomy proposal submitted  
 2891 pursuant to s. 1011.6202.

2892 (c) To annually provide to the district school  
 2893 superintendent and the district school board a budget for the  
 2894 operation of the participating school that identifies how funds  
 2895 provided pursuant to s. 1011.69(2) are allocated. ~~The school~~  
 2896 ~~district shall include the budget in the annual report provided~~  
 2897 ~~to the State Board of Education pursuant to s. 1011.6202(6).~~

2898 Section 22. Subsection (5) of section 1013.62, Florida  
 2899 Statutes, is amended to read:

2900 1013.62 Charter schools capital outlay funding.-

2901 (5) If a charter school is nonrenewed or terminated, any  
2902 unencumbered funds and all equipment and property purchased with  
2903 district public funds shall revert to the ownership of the  
2904 district school board, as provided for in s. 1002.33(8)(d) and  
2905 (e) ~~s. 1002.33(8)(e) and (f)~~. In the case of a charter lab  
2906 school, any unencumbered funds and all equipment and property  
2907 purchased with university public funds shall revert to the  
2908 ownership of the state university that issued the charter. The  
2909 reversion of such equipment, property, and furnishings shall  
2910 focus on recoverable assets, but not on intangible or  
2911 irrecoverable costs such as rental or leasing fees, normal  
2912 maintenance, and limited renovations. The reversion of all  
2913 property secured with public funds is subject to the complete  
2914 satisfaction of all lawful liens or encumbrances. If there are  
2915 additional local issues such as the shared use of facilities or  
2916 partial ownership of facilities or property, these issues shall  
2917 be agreed to in the charter contract prior to the expenditure of  
2918 funds.

2919 Section 23. For the 2018-2019 fiscal year, the sum of  
2920 \$250,000 in recurring funds is appropriated from the General  
2921 Revenue Fund is appropriated to the Department of Education to  
2922 implement the amendments to s. 1002.395(9), Florida Statutes,  
2923 made by this act.

2924 Section 24. This act shall take effect July 1, 2018.