

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Shaw offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 689-4223 and insert:

5 (c) The provisions of s. 1011.6202(5)(b), relating to  
6 employer status.

7 Section 16. Paragraphs (d) through (g) of subsection (8)  
8 of section 1002.33, Florida Statutes, are redesignated as  
9 paragraphs (c) through (f), respectively, and paragraph (b) of  
10 subsection (6), paragraphs (a), (d), and (e) of subsection (7),  
11 present paragraphs (a), (b), and (c) of subsection (8),  
12 paragraph (n) of subsection (9), and paragraph (b) of subsection  
13 (20) of that section are amended to read:

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14 1002.33 Charter schools.—

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

17 (b) A sponsor shall receive and review all applications  
18 for a charter school using the evaluation instrument developed  
19 by the Department of Education. A sponsor shall receive and  
20 consider charter school applications received on or before  
21 August 1 of each calendar year for charter schools to be opened  
22 at the beginning of the school district's next school year, or  
23 to be opened at a time agreed to by the applicant and the  
24 sponsor. A sponsor may not refuse to receive a charter school  
25 application submitted before August 1 and may receive an  
26 application submitted later than August 1 if it chooses.  
27 Beginning in 2018 and thereafter, a sponsor shall receive and  
28 consider charter school applications received on or before  
29 February 1 of each calendar year for charter schools to be  
30 opened 18 months later at the beginning of the school district's  
31 school year, or to be opened at a time agreed to by the  
32 applicant and the sponsor. A sponsor may not refuse to receive a  
33 charter school application submitted before February 1 and may  
34 receive an application submitted later than February 1 if it  
35 chooses. A sponsor may not charge an applicant for a charter any  
36 fee for the processing or consideration of an application, and a  
37 sponsor may not base its consideration or approval of a final  
38 application upon the promise of future payment of any kind.

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39 Before approving or denying any application, the sponsor shall  
40 allow the applicant, upon receipt of written notification, at  
41 least 7 calendar days to make technical or nonsubstantive  
42 corrections and clarifications, including, but not limited to,  
43 corrections of grammatical, typographical, and like errors or  
44 missing signatures, if such errors are identified by the sponsor  
45 as cause to deny the final application.

46 1. In order to facilitate an accurate budget projection  
47 process, a sponsor shall be held harmless for FTE students who  
48 are not included in the FTE projection due to approval of  
49 charter school applications after the FTE projection deadline.  
50 In a further effort to facilitate an accurate budget projection,  
51 within 15 calendar days after receipt of a charter school  
52 application, a sponsor shall report to the Department of  
53 Education the name of the applicant entity, the proposed charter  
54 school location, and its projected FTE.

55 2. In order to ensure fiscal responsibility, an  
56 application for a charter school shall include a full accounting  
57 of expected assets, a projection of expected sources and amounts  
58 of income, including income derived from projected student  
59 enrollments and from community support, and an expense  
60 projection that includes full accounting of the costs of  
61 operation, including start-up costs.

62 3.a. A sponsor shall by a majority vote approve or deny an  
63 application no later than 90 calendar days after the application

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64 is received, unless the sponsor and the applicant mutually agree  
65 in writing to temporarily postpone the vote to a specific date,  
66 at which time the sponsor shall by a majority vote approve or  
67 deny the application. If the sponsor fails to act on the  
68 application, an applicant may appeal to the State Board of  
69 Education as provided in paragraph (c). If an application is  
70 denied, the sponsor shall, within 10 calendar days after such  
71 denial, articulate in writing the specific reasons, based upon  
72 good cause, supporting its denial of the application and shall  
73 provide the letter of denial and supporting documentation to the  
74 applicant and to the Department of Education.

75 b. An application submitted by a high-performing charter  
76 school identified pursuant to s. 1002.331 or a high-performing  
77 charter school system identified pursuant to s. 1002.332 may be  
78 denied by the sponsor only if the sponsor demonstrates by clear  
79 and convincing evidence that:

80 (I) The application of a high-performing charter school  
81 does not materially comply with the requirements in paragraph  
82 (a) or, for a high-performing charter school system, the  
83 application does not materially comply with s. 1002.332(2)(b);

84 (II) The charter school proposed in the application does  
85 not materially comply with the requirements in paragraphs  
86 (9) (a) - (f);

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

90 (IV) The applicant has made a material misrepresentation  
91 or false statement or concealed an essential or material fact  
92 during the application process; or

93 (V) The proposed charter school's educational program and  
94 financial management practices do not materially comply with the  
95 requirements of this section.

96  
97 Material noncompliance is a failure to follow requirements or a  
98 violation of prohibitions applicable to charter school  
99 applications, which failure is quantitatively or qualitatively  
100 significant either individually or when aggregated with other  
101 noncompliance. An applicant is considered to be replicating a  
102 high-performing charter school if the proposed school is  
103 substantially similar to at least one of the applicant's high-  
104 performing charter schools and the organization or individuals  
105 involved in the establishment and operation of the proposed  
106 school are significantly involved in the operation of replicated  
107 schools.

108 c. If the sponsor denies an application submitted by a  
109 high-performing charter school or a high-performing charter  
110 school system, the sponsor must, within 10 calendar days after  
111 such denial, state in writing the specific reasons, based upon

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112 the criteria in sub-subparagraph b., supporting its denial of  
113 the application and must provide the letter of denial and  
114 supporting documentation to the applicant and to the Department  
115 of Education. The applicant may appeal the sponsor's denial of  
116 the application in accordance with paragraph (c).

117 4. For budget projection purposes, the sponsor shall  
118 report to the Department of Education the approval or denial of  
119 an application within 10 calendar days after such approval or  
120 denial. In the event of approval, the report to the Department  
121 of Education shall include the final projected FTE for the  
122 approved charter school.

123 5. Upon approval of an application, the initial startup  
124 shall commence with the beginning of the public school calendar  
125 for the district in which the charter is granted. A charter  
126 school may defer the opening of the school's operations for up  
127 to 3 ~~2~~ years to provide time for adequate facility planning. The  
128 charter school must provide written notice of such intent to the  
129 sponsor and the parents of enrolled students at least 30  
130 calendar days before the first day of school.

131 (7) CHARTER.—The terms and conditions for the operation of  
132 a charter school shall be set forth by the sponsor and the  
133 applicant in a written contractual agreement, called a charter.  
134 The sponsor and the governing board of the charter school shall  
135 use the standard charter contract pursuant to subsection (21),  
136 which shall incorporate the approved application and any addenda

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137 approved with the application. Any term or condition of a  
138 proposed charter contract that differs from the standard charter  
139 contract adopted by rule of the State Board of Education shall  
140 be presumed a limitation on charter school flexibility. The  
141 sponsor may not impose unreasonable rules or regulations that  
142 violate the intent of giving charter schools greater flexibility  
143 to meet educational goals. The charter shall be signed by the  
144 governing board of the charter school and the sponsor, following  
145 a public hearing to ensure community input.

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

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

150 2. The focus of the curriculum, the instructional methods  
151 to be used, any distinctive instructional techniques to be  
152 employed, and identification and acquisition of appropriate  
153 technologies needed to improve educational and administrative  
154 performance which include a means for promoting safe, ethical,  
155 and appropriate uses of technology which comply with legal and  
156 professional standards.

157 a. The charter shall ensure that reading is a primary  
158 focus of the curriculum and that resources are provided to  
159 identify and provide specialized instruction for students who  
160 are reading below grade level. The curriculum and instructional  
161 strategies for reading must be consistent with the Next

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162 Generation Sunshine State Standards and grounded in  
163 scientifically based reading research.

164       b. In order to provide students with access to diverse  
165 instructional delivery models, to facilitate the integration of  
166 technology within traditional classroom instruction, and to  
167 provide students with the skills they need to compete in the  
168 21st century economy, the Legislature encourages instructional  
169 methods for blended learning courses consisting of both  
170 traditional classroom and online instructional techniques.  
171 Charter schools may implement blended learning courses which  
172 combine traditional classroom instruction and virtual  
173 instruction. Students in a blended learning course must be full-  
174 time students of the charter school pursuant to s.  
175 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
176 1012.55 who provide virtual instruction for blended learning  
177 courses may be employees of the charter school or may be under  
178 contract to provide instructional services to charter school  
179 students. At a minimum, such instructional personnel must hold  
180 an active state or school district adjunct certification under  
181 s. 1012.57 for the subject area of the blended learning course.  
182 The funding and performance accountability requirements for  
183 blended learning courses are the same as those for traditional  
184 courses.

185       3. The current incoming baseline standard of student  
186 academic achievement, the outcomes to be achieved, and the

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187 method of measurement that will be used. The criteria listed in  
188 this subparagraph shall include a detailed description of:

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

191 b. How these baseline rates will be compared to rates of  
192 academic progress achieved by these same students while  
193 attending the charter school.

194 c. To the extent possible, how these rates of progress  
195 will be evaluated and compared with rates of progress of other  
196 closely comparable student populations.

197  
198 The district school board is required to provide academic  
199 student performance data to charter schools for each of their  
200 students coming from the district school system, as well as  
201 rates of academic progress of comparable student populations in  
202 the district school system.

203 4. The methods used to identify the educational strengths  
204 and needs of students and how well educational goals and  
205 performance standards are met by students attending the charter  
206 school. The methods shall provide a means for the charter school  
207 to ensure accountability to its constituents by analyzing  
208 student performance data and by evaluating the effectiveness and  
209 efficiency of its major educational programs. Students in  
210 charter schools shall, at a minimum, participate in the  
211 statewide assessment program created under s. 1008.22.

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

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

217 7. The admissions procedures and dismissal procedures,  
218 including the school's code of student conduct. Admission or  
219 dismissal must not be based on a student's academic performance.

220 8. The ways by which the school will achieve a  
221 racial/ethnic balance reflective of the community it serves or  
222 within the racial/ethnic range of other public schools in the  
223 same school district.

224 9. The financial and administrative management of the  
225 school, including a reasonable demonstration of the professional  
226 experience or competence of those individuals or organizations  
227 applying to operate the charter school or those hired or  
228 retained to perform such professional services and the  
229 description of clearly delineated responsibilities and the  
230 policies and practices needed to effectively manage the charter  
231 school. A description of internal audit procedures and  
232 establishment of controls to ensure that financial resources are  
233 properly managed must be included. Both public sector and  
234 private sector professional experience shall be equally valid in  
235 such a consideration.

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236 10. The asset and liability projections required in the  
237 application which are incorporated into the charter and shall be  
238 compared with information provided in the annual report of the  
239 charter school.

240 11. A description of procedures that identify various  
241 risks and provide for a comprehensive approach to reduce the  
242 impact of losses; plans to ensure the safety and security of  
243 students and staff; plans to identify, minimize, and protect  
244 others from violent or disruptive student behavior; and the  
245 manner in which the school will be insured, including whether or  
246 not the school will be required to have liability insurance,  
247 and, if so, the terms and conditions thereof and the amounts of  
248 coverage.

249 12. The term of the charter which shall provide for  
250 cancellation of the charter if insufficient progress has been  
251 made in attaining the student achievement objectives of the  
252 charter and if it is not likely that such objectives can be  
253 achieved before expiration of the charter. The initial term of a  
254 charter shall be for ~~4~~ 5 years, excluding 1 planning year. In  
255 order to facilitate access to long-term financial resources for  
256 charter school construction, charter schools that are operated  
257 by a municipality or other public entity as provided by law are  
258 eligible for up to a 15-year charter, subject to approval by the  
259 district school board. A charter lab school is eligible for a  
260 charter for a term of up to 15 years. In addition, to facilitate

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261 access to long-term financial resources for charter school  
262 construction, charter schools that are operated by a private,  
263 not-for-profit, s. 501(c)(3) status corporation are eligible for  
264 up to a 15-year charter, subject to approval by the district  
265 school board. Such long-term charters remain subject to annual  
266 review and may be terminated during the term of the charter, but  
267 only according to the provisions set forth in subsection (8).

268 13. The facilities to be used and their location. The  
269 sponsor may not require a charter school to have a certificate  
270 of occupancy or a temporary certificate of occupancy for such a  
271 facility earlier than 15 calendar days before the first day of  
272 school.

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

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

279 16. A timetable for implementing the charter which  
280 addresses the implementation of each element thereof and the  
281 date by which the charter shall be awarded in order to meet this  
282 timetable.

283 17. In the case of an existing public school that is being  
284 converted to charter status, alternative arrangements for  
285 current students who choose not to attend the charter school and

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286 for current teachers who choose not to teach in the charter  
287 school after conversion in accordance with the existing  
288 collective bargaining agreement or district school board rule in  
289 the absence of a collective bargaining agreement. However,  
290 alternative arrangements shall not be required for current  
291 teachers who choose not to teach in a charter lab school, except  
292 as authorized by the employment policies of the state university  
293 which grants the charter to the lab school.

294 18. Full disclosure of the identity of all relatives  
295 employed by the charter school who are related to the charter  
296 school owner, president, chairperson of the governing board of  
297 directors, superintendent, governing board member, principal,  
298 assistant principal, or any other person employed by the charter  
299 school who has equivalent decisionmaking authority. For the  
300 purpose of this subparagraph, the term "relative" means father,  
301 mother, son, daughter, brother, sister, uncle, aunt, first  
302 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
303 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
304 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
305 stepsister, half brother, or half sister.

306 19. Implementation of the activities authorized under s.  
307 1002.331 by the charter school when it satisfies the eligibility  
308 requirements for a high-performing charter school. A high-  
309 performing charter school shall notify its sponsor in writing by  
310 March 1 if it intends to increase enrollment or expand grade

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311 levels the following school year. The written notice shall  
312 specify the amount of the enrollment increase and the grade  
313 levels that will be added, as applicable.

314 (d) A charter may be modified during its initial term or  
315 any renewal term upon the recommendation of the sponsor or the  
316 charter school's governing board and the approval of both  
317 parties to the agreement. Modification during any term may  
318 include, but is not limited to, consolidation of multiple  
319 charters into a single charter if the charters are operated  
320 under the same governing board ~~and physically located on the~~  
321 ~~same campus~~, regardless of the renewal cycle. A charter school  
322 with a grade of "C" or higher that closes as part of a  
323 consolidation shall be reported by the school district as a  
324 consolidation.

325 (e) A charter may be terminated by a charter school's  
326 governing board through voluntary closure. The decision to cease  
327 operations must be determined at a public meeting. The governing  
328 board shall notify the parents and sponsor of the public meeting  
329 in writing before the public meeting. The governing board must  
330 notify the sponsor, parents of enrolled students, and the  
331 department in writing within 24 hours after the public meeting  
332 of its determination. The notice shall state the charter  
333 school's intent to continue operations or the reason for the  
334 closure and acknowledge that the governing board agrees to  
335 follow the procedures for dissolution and reversion of public

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336 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) ~~paragraphs~~  
337 ~~(8) (e)-(g) and (9) (o)~~.

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

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

345 1. Failure to participate in the state's education  
346 accountability system created in s. 1008.31, as required in this  
347 section, or failure to meet the requirements for student  
348 performance stated in the charter.

349 2. Failure to meet generally accepted standards of fiscal  
350 management.

351 3. Material violation of law.

352 4. Other good cause shown.

353 (b) At least 90 days before renewing, nonrenewing, or  
354 terminating a charter, the sponsor shall notify the governing  
355 board of the school of the proposed action in writing. The  
356 notice shall state in reasonable detail the grounds for the  
357 proposed action and stipulate that the school's governing board  
358 may, within 14 calendar days after receiving the notice, request  
359 a hearing. The hearing shall be conducted ~~at the sponsor's~~  
360 ~~election in accordance with one of the following procedures:~~

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

366 ~~2. A hearing conducted by an administrative law judge~~  
367 ~~assigned by the Division of Administrative Hearings. The hearing~~  
368 ~~shall be conducted within 90 ~~60~~ days after receipt of the~~  
369 ~~request for a hearing and in accordance with chapter 120. The~~  
370 ~~administrative law judge's final ~~recommended~~ order shall be~~  
371 ~~submitted to the sponsor. The administrative law judge shall~~  
372 ~~award the prevailing party reasonable attorney fees and costs~~  
373 ~~incurred during the administrative proceeding and any appeals A~~  
374 ~~majority vote by the sponsor shall be required to adopt or~~  
375 ~~modify the administrative law judge's recommended order. The~~  
376 ~~sponsor shall issue a final order.~~

377 ~~(c) The final order shall state the specific reasons for~~  
378 ~~the sponsor's decision. The sponsor shall provide its final~~  
379 ~~order to the charter school's governing board and the Department~~  
380 ~~of Education no later than 10 calendar days after its issuance.~~  
381 ~~The charter school's governing board may, within 30 calendar~~  
382 ~~days after receiving the sponsor's final order, appeal the~~  
383 ~~decision pursuant to s. 120.68.~~

384 (9) CHARTER SCHOOL REQUIREMENTS.—

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385 (n)1. The director and a representative of the governing  
386 board of a charter school that has earned a grade of "D" or "F"  
387 pursuant to s. 1008.34 shall appear before the sponsor to  
388 present information concerning each contract component having  
389 noted deficiencies. The director and a representative of the  
390 governing board shall submit to the sponsor for approval a  
391 school improvement plan to raise student performance. Upon  
392 approval by the sponsor, the charter school shall begin  
393 implementation of the school improvement plan. The department  
394 shall offer technical assistance and training to the charter  
395 school and its governing board and establish guidelines for  
396 developing, submitting, and approving such plans.

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

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

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

405 (III) Reorganize the school under a new director or  
406 principal who is authorized to hire new staff; or

407 (IV) Voluntarily close the charter school.

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408           b. The charter school must implement the corrective action  
409 in the school year following receipt of a third consecutive  
410 grade below a "C."

411           c. The sponsor may annually waive a corrective action if  
412 it determines that the charter school is likely to improve a  
413 letter grade if additional time is provided to implement the  
414 intervention and support strategies prescribed by the school  
415 improvement plan. Notwithstanding this sub-subparagraph, a  
416 charter school that earns a second consecutive grade of "F" is  
417 subject to subparagraph 3.

418           d. A charter school is no longer required to implement a  
419 corrective action if it improves to a "C" or higher. However,  
420 the charter school must continue to implement strategies  
421 identified in the school improvement plan. The sponsor must  
422 annually review implementation of the school improvement plan to  
423 monitor the school's continued improvement pursuant to  
424 subparagraph 4.

425           e. A charter school implementing a corrective action that  
426 does not improve to a "C" or higher after 2 full school years of  
427 implementing the corrective action must select a different  
428 corrective action. Implementation of the new corrective action  
429 must begin in the school year following the implementation  
430 period of the existing corrective action, unless the sponsor  
431 determines that the charter school is likely to improve to a "C"  
432 or higher if additional time is provided to implement the

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433 existing corrective action. Notwithstanding this sub-  
434 subparagraph, a charter school that earns a second consecutive  
435 grade of "F" while implementing a corrective action is subject  
436 to subparagraph 3.

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

440 a. The charter school is established to turn around the  
441 performance of a district public school pursuant to s.  
442 1008.33(4)(b)2. Such charter schools shall be governed by s.  
443 1008.33;

444 b. The charter school serves a student population the  
445 majority of which resides in a school zone served by a district  
446 public school subject to s. 1008.33(4) and the charter school  
447 earns at least a grade of "D" in its third year of operation.  
448 The exception provided under this sub-subparagraph does not  
449 apply to a charter school in its fourth year of operation and  
450 thereafter; or

451 c. The state board grants the charter school a waiver of  
452 termination. The charter school must request the waiver within  
453 15 days after the department's official release of school  
454 grades. The state board may waive termination if the charter  
455 school demonstrates that the Learning Gains of its students on  
456 statewide assessments are comparable to or better than the  
457 Learning Gains of similarly situated students enrolled in nearby

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458 district public schools. The waiver is valid for 1 year and may  
459 only be granted once. Charter schools that have been in  
460 operation for more than 5 years are not eligible for a waiver  
461 under this sub-subparagraph.

462  
463 The sponsor shall notify the charter school's governing board,  
464 the charter school principal, and the department in writing when  
465 a charter contract is terminated under this subparagraph. ~~The~~  
466 ~~letter of termination must meet the requirements of paragraph~~  
467 ~~(8)(e)~~. A charter terminated under this subparagraph must follow  
468 the procedures for dissolution and reversion of public funds  
469 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-~~  
470 ~~(g) and (9)(e)~~.

471 4. The director and a representative of the governing  
472 board of a graded charter school that has implemented a school  
473 improvement plan under this paragraph shall appear before the  
474 sponsor at least once a year to present information regarding  
475 the progress of intervention and support strategies implemented  
476 by the school pursuant to the school improvement plan and  
477 corrective actions, if applicable. The sponsor shall communicate  
478 at the meeting, and in writing to the director, the services  
479 provided to the school to help the school address its  
480 deficiencies.

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

484 (20) SERVICES.—

485 (b) If goods and services are made available to the  
486 charter school through the contract with the school district,  
487 they shall be provided to the charter school at a rate no  
488 greater than the district's actual cost unless mutually agreed  
489 upon by the charter school and the sponsor in a contract  
490 negotiated separately from the charter. When mediation has  
491 failed to resolve disputes over contracted services or  
492 contractual matters not included in the charter, an appeal may  
493 be made to an administrative law judge appointed by the Division  
494 of Administrative Hearings. The administrative law judge has  
495 final order authority to rule on the dispute. The administrative  
496 law judge shall award the prevailing party reasonable attorney  
497 fees and costs incurred during the mediation process,  
498 administrative proceeding, and any appeals, to be paid by the  
499 party whom the administrative law judge rules against ~~for a~~  
500 ~~dispute resolution hearing before the Charter School Appeal~~  
501 ~~Commission~~. To maximize the use of state funds, school districts  
502 shall allow charter schools to participate in the sponsor's bulk  
503 purchasing program if applicable.

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504 Section 17. Subsection (1), paragraph (a) of subsection  
505 (2), and paragraph (b) of subsection (3) of section 1002.331,  
506 Florida Statutes, are amended to read:

507 1002.331 High-performing charter schools.—

508 (1) A charter school is a high-performing charter school  
509 if it:

510 (a) Received at least two school grades of "A" and no  
511 school grade below "B," pursuant to s. 1008.34, during each of  
512 the previous 3 school years or received at least two consecutive  
513 school grades of "A" in the most recent 2 school years.

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

517 (c) Did not receive a financial audit that revealed one or  
518 more of the financial emergency conditions set forth in s.  
519 218.503(1) in the most recent 3 fiscal years for which such  
520 audits are available. However, this requirement is deemed met  
521 for a charter school-in-the-workplace if there is a finding in  
522 an audit that the school has the monetary resources available to  
523 cover any reported deficiency or that the deficiency does not  
524 result in a deteriorating financial condition pursuant to s.  
525 1002.345(1)(a)3.

526  
527 For purposes of determining initial eligibility, the  
528 requirements of paragraphs (b) and (c) only apply for the most

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529 | recent 2 fiscal years if the charter school earns two  
530 | consecutive grades of "A." A virtual charter school established  
531 | under s. 1002.33 is not eligible for designation as a high-  
532 | performing charter school.

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

534 | (a) Increase its student enrollment once per school year  
535 | to more than the capacity identified in the charter, but student  
536 | enrollment may not exceed the ~~current facility~~ capacity of the  
537 | facility at the time of enrollment. Facility capacity for  
538 | purposes of grade level expansion shall include any improvements  
539 | to an existing facility or any new facility in which a majority  
540 | of the students of the high-performing charter school will  
541 | enroll.

542 |  
543 | A high-performing charter school shall notify its sponsor in  
544 | writing by March 1 if it intends to increase enrollment or  
545 | expand grade levels the following school year. The written  
546 | notice shall specify the amount of the enrollment increase and  
547 | the grade levels that will be added, as applicable. If a charter  
548 | school notifies the sponsor of its intent to expand, the sponsor  
549 | shall modify the charter within 90 days to include the new  
550 | enrollment maximum and may not make any other changes. The  
551 | sponsor may deny a request to increase the enrollment of a high-  
552 | performing charter school if the commissioner has declassified  
553 | the charter school as high-performing. If a high-performing

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554 charter school requests to consolidate multiple charters, the  
555 sponsor shall have 40 days after receipt of that request to  
556 provide an initial draft charter to the charter school. The  
557 sponsor and charter school shall have 50 days thereafter to  
558 negotiate and notice the charter contract for final approval by  
559 the sponsor.

560 (3)

561 (b) A high-performing charter school may not establish  
562 more than two ~~one~~ charter schools ~~school~~ within the state under  
563 paragraph (a) in any year. A subsequent application to establish  
564 a charter school under paragraph (a) may not be submitted unless  
565 each charter school established in this manner achieves high-  
566 performing charter school status. However, a high-performing  
567 charter school may establish more than one charter school within  
568 the state under paragraph (a) in any year if it operates in the  
569 area of a persistently low-performing school and serves students  
570 from that school.

571 Section 18. Paragraph (d) is added to subsection (10) of  
572 section 1002.333, Florida Statutes, to read:

573 1002.333 Persistently low-performing schools.—

574 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
575 is created within the Department of Education.

576 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
577 funds allocated for the purpose of this subsection which are not  
578 disbursed by June 30 of the fiscal year in which the funds are

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579 | allocated may be carried forward for up to 5 years after the  
580 | effective date of the original appropriation.

581 | Section 19. Paragraph (b) of subsection (1) and present  
582 | paragraph (c) of subsection (9) of section 1002.37, Florida  
583 | Statutes, are amended, and a new paragraph (c) is added to  
584 | subsection (9) of that section, to read:

585 | 1002.37 The Florida Virtual School.—

586 | (1)

587 | (b) The mission of the Florida Virtual School is to  
588 | provide students with technology-based educational opportunities  
589 | to gain the knowledge and skills necessary to succeed. The  
590 | school shall serve any student in the state who meets the  
591 | profile for success in this educational delivery context and  
592 | shall give priority to:

593 | 1. Students who need expanded access to courses in order  
594 | to meet their educational goals, such as home education students  
595 | and students in inner-city and rural high schools who do not  
596 | have access to higher-level courses.

597 | 2. Students seeking accelerated access in order to obtain  
598 | a high school diploma at least one semester early.

599 | 3. Students who are children of an active duty member of  
600 | the United States Armed Forces who is not stationed in this  
601 | state whose home of record or state of legal residence is  
602 | Florida.

603 |

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604 The board of trustees of the Florida Virtual School shall  
605 identify appropriate performance measures and standards based on  
606 student achievement that reflect the school's statutory mission  
607 and priorities, and shall implement an accountability system for  
608 the school that includes assessment of its effectiveness and  
609 efficiency in providing quality services that encourage high  
610 student achievement, seamless articulation, and maximum access.

611 (9)

612 (c) Industry certification examinations, national  
613 assessments, and statewide assessments offered by the school  
614 district shall be available to all Florida Virtual School  
615 students.

616 (d)~~(e)~~ Unless an alternative testing site is mutually  
617 agreed to by the Florida Virtual School and the school district  
618 or as contracted under s. 1008.24, all industry certification  
619 examinations, national assessments, and statewide assessments  
620 must be taken at the school to which the student would be  
621 assigned according to district school board attendance areas. A  
622 school district must provide the student with access to the  
623 school's testing facilities and the date and time of the  
624 administration of each examination or assessment.

625 Section 20. Paragraph (e) of subsection (2), paragraphs  
626 (d) and (h) of subsection (5), subsection (8), paragraph (c) of  
627 subsection (9), paragraph (a) of subsection (10), and paragraph  
628 (a) of subsection (11) of section 1002.385, Florida Statutes,

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629 are amended, and paragraph (p) is added to subsection (5) of  
630 that section, to read:

631 1002.385 The Gardiner Scholarship.—

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

633 (e) "Eligible nonprofit scholarship-funding organization"  
634 or "organization" means a nonprofit scholarship-funding  
635 organization that is approved pursuant to s. 1002.395(15) ~~s.~~  
636 ~~1002.395(16)~~.

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

640 (d) ~~Enrollment in, or~~ Tuition or fees associated with  
641 full-time or part-time enrollment in, a home education program,  
642 an eligible private school, an eligible postsecondary  
643 educational institution or a program offered by the  
644 postsecondary institution, a private tutoring program authorized  
645 under s. 1002.43, a virtual program offered by a department-  
646 approved private online provider that meets the provider  
647 qualifications specified in s. 1002.45(2)(a), the Florida  
648 Virtual School as a private paying student, or an approved  
649 online course offered pursuant to s. 1003.499 or s. 1004.0961.

650 (h) Tuition and fees for part-time tutoring services  
651 provided by a person who holds a valid Florida educator's  
652 certificate pursuant to s. 1012.56; a person who holds an  
653 adjunct teaching certificate pursuant to s. 1012.57; a person

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654 who has a bachelor's degree or a graduate degree in the subject  
655 area in which instruction is given; or a person who has  
656 demonstrated a mastery of subject area knowledge pursuant to s.  
657 1012.56(5). As used in this paragraph, the term "part-time  
658 tutoring services" does not qualify as regular school attendance  
659 as defined in s. 1003.01(13)(e).

660 (p) Tuition or fees associated with enrollment in a  
661 nationally or internationally recognized research-based training  
662 program for a child with a neurological disorder or brain  
663 damage.

664  
665 A provider of any services receiving payments pursuant to this  
666 subsection may not share, refund, or rebate any moneys from the  
667 Gardiner Scholarship with the parent or participating student in  
668 any manner. A parent, student, or provider of any services may  
669 not bill an insurance company, Medicaid, or any other agency for  
670 the same services that are paid for using Gardiner Scholarship  
671 funds.

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

675 (a) Comply with all requirements for private schools  
676 participating in state school choice scholarship programs  
677 pursuant to s. 1002.421.

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678 ~~(b) Provide to the organization, upon request, all~~  
679 ~~documentation required for the student's participation,~~  
680 ~~including the private school's and student's fee schedules.~~

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

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

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

693 ~~2.3. Administer Cooperating with the scholarship student~~  
694 ~~whose parent chooses to have the student participate in the~~  
695 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~  
696 ~~school chooses to offer the statewide assessments, administering~~  
697 ~~the assessments at the school.~~

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

701 ~~b.~~ A participating private school shall submit a request  
702 in writing to the Department of Education by March 1 of each

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703 year in order to administer the statewide assessments in the  
704 subsequent school year.

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

708 ~~(e) Provide a report from an independent certified public~~  
709 ~~accountant who performs the agreed upon procedures developed~~  
710 ~~under s. 1002.395(6) (e) if the private school receives more than~~  
711 ~~\$250,000 in funds from scholarships awarded under this section~~  
712 ~~in a state fiscal year. A private school subject to this~~  
713 ~~paragraph must annually submit the report by September 15 to the~~  
714 ~~organization that awarded the majority of the school's~~  
715 ~~scholarship funds. The agreed upon procedures must be conducted~~  
716 ~~in accordance with attestation standards established by the~~  
717 ~~American Institute of Certified Public Accountants.~~

718  
719 If a private school fails ~~is unable~~ to meet the requirements of  
720 this subsection or s. 1002.421 ~~or has consecutive years of~~  
721 ~~material exceptions listed in the report required under~~  
722 ~~paragraph (e)~~, the commissioner may determine that the private  
723 school is ineligible to participate in the scholarship program.

724 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
725 shall:

726 (c) Investigate any written complaint of a violation of  
727 this section by a parent, a student, a private school, a public

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728 school or a school district, an organization, a provider, or  
729 another appropriate party in accordance with the process  
730 established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

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

732 (a) The Commissioner of Education:

733 1. May suspend or revoke program participation or use of  
734 program funds by the student or participation or eligibility of  
735 an organization, ~~eligible private school~~, eligible postsecondary  
736 educational institution, approved provider, or other party for a  
737 violation of this section.

738 2. May determine the length of, and conditions for  
739 lifting, a suspension or revocation specified in this  
740 subsection.

741 3. May recover unexpended program funds or withhold  
742 payment of an equal amount of program funds to recover program  
743 funds that were not authorized for use.

744 4. Shall deny or terminate program participation upon a  
745 parent's forfeiture of a Gardiner Scholarship pursuant to  
746 subsection (11).

747 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
748 PARTICIPATION.—A parent who applies for program participation  
749 under this section is exercising his or her parental option to  
750 determine the appropriate placement or the services that best  
751 meet the needs of his or her child. The scholarship award for a  
752 student is based on a matrix that assigns the student to support

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753 Level III services. If a parent receives an IEP and a matrix of  
754 services from the school district pursuant to subsection (7),  
755 the amount of the payment shall be adjusted as needed, when the  
756 school district completes the matrix.

757 (a) To satisfy or maintain program eligibility, including  
758 eligibility to receive and spend program payments, the parent  
759 must sign an agreement with the organization and annually submit  
760 a notarized, sworn compliance statement to the organization to:

761 1. Affirm that the student is enrolled in a program that  
762 meets regular school attendance requirements as provided in s.  
763 1003.01(13)(b)-(d).

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

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

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

771 b. Providing an annual evaluation in accordance with s.  
772 1002.41(1)(c); or

773 c. Requiring the child to take any preassessments and  
774 postassessments selected by the provider if the child is 4 years  
775 of age and is enrolled in a program provided by an eligible  
776 Voluntary Prekindergarten Education Program provider. A student  
777 with disabilities for whom a preassessment and postassessment is

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778 not appropriate is exempt from this requirement. A participating  
779 provider shall report a student's scores to the parent.

780 4. Affirm that the student remains in good standing with  
781 the provider or school if those options are selected by the  
782 parent.

783  
784 A parent who fails to comply with this subsection forfeits the  
785 Gardiner Scholarship.

786 Section 21. Subsections (8) through (14) of section  
787 1002.39, Florida Statutes, are renumbered as subsections (7)  
788 through (13), respectively, and paragraph (b) of subsection (2),  
789 paragraph (h) of subsection (3), and present subsections (6),  
790 (7), and (8) of that section are amended to read:

791 1002.39 The John M. McKay Scholarships for Students with  
792 Disabilities Program.—There is established a program that is  
793 separate and distinct from the Opportunity Scholarship Program  
794 and is named the John M. McKay Scholarships for Students with  
795 Disabilities Program.

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

800 (b) The parent has obtained acceptance for admission of  
801 the student to a private school that is eligible for the program  
802 under subsection (7) ~~subsection (8)~~ and has requested from the

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803 department a scholarship at least 60 days before the date of the  
804 first scholarship payment. The request must be communicated  
805 directly to the department in a manner that creates a written or  
806 electronic record of the request and the date of receipt of the  
807 request. The department must notify the district of the parent's  
808 intent upon receipt of the parent's request.

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

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

816 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
817 shall:

818 ~~(a) Establish a toll-free hotline that provides parents~~  
819 ~~and private schools with information on participation in the~~  
820 ~~John M. McKay Scholarships for Students with Disabilities~~  
821 ~~Program.~~

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

824 ~~(c) Establish a process by which individuals may notify~~  
825 ~~the department of any violation by a parent, private school, or~~  
826 ~~school district of state laws relating to program participation.~~  
827 ~~The department shall conduct an inquiry of any written complaint~~

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828 ~~of a violation of this section, or make a referral to the~~  
829 ~~appropriate agency for an investigation, if the complaint is~~  
830 ~~signed by the complainant and is legally sufficient. A complaint~~  
831 ~~is legally sufficient if it contains ultimate facts that show~~  
832 ~~that a violation of this section or any rule adopted by the~~  
833 ~~State Board of Education has occurred. In order to determine~~  
834 ~~legal sufficiency, the department may require supporting~~  
835 ~~information or documentation from the complainant. A department~~  
836 ~~inquiry is not subject to the requirements of chapter 120.~~

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

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

843 ~~(f)1. Conduct random site visits to private schools~~  
844 ~~participating in the John M. McKay Scholarships for Students~~  
845 ~~with Disabilities Program. The purpose of the site visits is~~  
846 ~~solely to verify the information reported by the schools~~  
847 ~~concerning the enrollment and attendance of students, the~~  
848 ~~credentials of teachers, background screening of teachers, and~~  
849 ~~teachers' fingerprinting results, which information is required~~  
850 ~~by rules of the State Board of Education, subsection (8), and s.~~  
851 ~~1002.421. The Department of Education may not make more than~~

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852 ~~three random site visits each year and may not make more than~~  
853 ~~one random site visit each year to the same private school.~~

854 ~~2. Annually, by December 15, report to the Governor, the~~  
855 ~~President of the Senate, and the Speaker of the House of~~  
856 ~~Representatives the Department of Education's actions with~~  
857 ~~respect to implementing accountability in the scholarship~~  
858 ~~program under this section and s. 1002.421, any substantiated~~  
859 ~~allegations or violations of law or rule by an eligible private~~  
860 ~~school under this program concerning the enrollment and~~  
861 ~~attendance of students, the credentials of teachers, background~~  
862 ~~screening of teachers, and teachers' fingerprinting results and~~  
863 ~~the corrective action taken by the Department of Education.~~

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

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

866 ~~1. Shall deny, suspend, or revoke a private school's~~  
867 ~~participation in the scholarship program if it is determined~~  
868 ~~that the private school has failed to comply with the provisions~~  
869 ~~of this section. However, if the noncompliance is correctable~~  
870 ~~within a reasonable amount of time and if the health, safety, or~~  
871 ~~welfare of the students is not threatened, the commissioner may~~  
872 ~~issue a notice of noncompliance which provides the private~~  
873 ~~school with a timeframe within which to provide evidence of~~  
874 ~~compliance before taking action to suspend or revoke the private~~  
875 ~~school's participation in the scholarship program.~~

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876 ~~2. May deny, suspend, or revoke a private school's~~  
877 ~~participation in the scholarship program if the commissioner~~  
878 ~~determines that an owner or operator of the private school is~~  
879 ~~operating or has operated an educational institution in this~~  
880 ~~state or in another state or jurisdiction in a manner contrary~~  
881 ~~to the health, safety, or welfare of the public.~~

882 ~~a. In making such a determination, the commissioner may~~  
883 ~~consider factors that include, but are not limited to, acts or~~  
884 ~~emissions by an owner or operator which led to a previous denial~~  
885 ~~or revocation of participation in an education scholarship~~  
886 ~~program; an owner's or operator's failure to reimburse the~~  
887 ~~Department of Education for scholarship funds improperly~~  
888 ~~received or retained by a school; imposition of a prior criminal~~  
889 ~~sanction related to an owner's or operator's management or~~  
890 ~~operation of an educational institution; imposition of a civil~~  
891 ~~fine or administrative fine, license revocation or suspension,~~  
892 ~~or program eligibility suspension, termination, or revocation~~  
893 ~~related to an owner's or operator's management or operation of~~  
894 ~~an educational institution; or other types of criminal~~  
895 ~~proceedings in which an owner or operator was found guilty of,~~  
896 ~~regardless of adjudication, or entered a plea of nolo contendere~~  
897 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~  
898 ~~or moral turpitude.~~

899 ~~b. For purposes of this subparagraph, the term "owner or~~  
900 ~~operator" includes an owner, operator, superintendent, or~~

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901 ~~principal of, or a person who has equivalent decisionmaking~~  
902 ~~authority over, a private school participating in the~~  
903 ~~scholarship program.~~

904 ~~(b) The commissioner's determination is subject to the~~  
905 ~~following:~~

906 ~~1. If the commissioner intends to deny, suspend, or revoke~~  
907 ~~a private school's participation in the scholarship program, the~~  
908 ~~department shall notify the private school of such proposed~~  
909 ~~action in writing by certified mail and regular mail to the~~  
910 ~~private school's address of record with the department. The~~  
911 ~~notification shall include the reasons for the proposed action~~  
912 ~~and notice of the timelines and procedures set forth in this~~  
913 ~~paragraph.~~

914 ~~2. The private school that is adversely affected by the~~  
915 ~~proposed action shall have 15 days from receipt of the notice of~~  
916 ~~proposed action to file with the department's agency clerk a~~  
917 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~  
918 ~~the private school is entitled to a hearing under s. 120.57(1),~~  
919 ~~the department shall forward the request to the Division of~~  
920 ~~Administrative Hearings.~~

921 ~~3. Upon receipt of a request referred pursuant to this~~  
922 ~~paragraph, the director of the Division of Administrative~~  
923 ~~Hearings shall expedite the hearing and assign an administrative~~  
924 ~~law judge who shall commence a hearing within 30 days after the~~  
925 ~~receipt of the formal written request by the division and enter~~

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926 ~~a recommended order within 30 days after the hearing or within~~  
927 ~~30 days after receipt of the hearing transcript, whichever is~~  
928 ~~later. Each party shall be allowed 10 days in which to submit~~  
929 ~~written exceptions to the recommended order. A final order shall~~  
930 ~~be entered by the agency within 30 days after the entry of a~~  
931 ~~recommended order. The provisions of this subparagraph may be~~  
932 ~~waived upon stipulation by all parties.~~

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

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

938 ~~2. Fraudulent activity on the part of the private school.~~  
939 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~  
940 ~~activity pursuant to this section, the Department of Education's~~  
941 ~~Office of Inspector General is authorized to release personally~~  
942 ~~identifiable records or reports of students to the following~~  
943 ~~persons or organizations:~~

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

948 ~~b. A person or entity authorized by a court of competent~~  
949 ~~jurisdiction in compliance with an order of that court or the~~  
950 ~~attorney of record pursuant to a lawfully issued subpoena,~~

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951 ~~consistent with the Family Educational Rights and Privacy Act,~~  
952 ~~20 U.S.C. s. 1232g.~~

953 ~~e. Any person, entity, or authority issuing a subpoena for~~  
954 ~~law enforcement purposes when the court or other issuing agency~~  
955 ~~has ordered that the existence or the contents of the subpoena~~  
956 ~~or the information furnished in response to the subpoena not be~~  
957 ~~disclosed, consistent with the Family Educational Rights and~~  
958 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

959

960 ~~The commissioner's order suspending payment pursuant to this~~  
961 ~~paragraph may be appealed pursuant to the same procedures and~~  
962 ~~timelines as the notice of proposed action set forth in~~  
963 ~~paragraph (b).~~

964 ~~(7)-(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
965 eligible to participate in the John M. McKay Scholarships for  
966 Students with Disabilities Program, a private school may be  
967 sectarian or nonsectarian and must:

968 (a) Comply with all requirements for private schools  
969 participating in state school choice scholarship programs  
970 pursuant to s. 1002.421.

971 (b) Provide to the department all documentation required  
972 for a student's participation, including the private school's  
973 and student's fee schedules, at least 30 days before any  
974 quarterly scholarship payment is made for the student pursuant  
975 to paragraph (10) (e) ~~paragraph (11) (e)~~. A student is not

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976 eligible to receive a quarterly scholarship payment if the  
977 private school fails to meet this deadline.

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

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

982 ~~2. Cooperating with the scholarship student whose parent~~  
983 ~~chooses to participate in the statewide assessments pursuant to~~  
984 ~~s. 1008.22.~~

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

987

988 If The inability of a private school fails to meet the  
989 requirements of this subsection or s. 1002.421, the commissioner  
990 may determine that the private school is ineligible shall  
991 ~~constitute a basis for the ineligibility of the private school~~  
992 ~~to participate in the scholarship program as determined by the~~  
993 ~~department.~~

994 Section 22. Subsections (12) through (16) of section  
995 1002.395, Florida Statutes, are renumbered as subsections (11)  
996 through (15), respectively, and paragraph (f) of subsection (2),  
997 paragraphs (n), (o), and (p) of subsection (6), and present  
998 subsections (8), (9), and (11) of that section are amended to  
999 read:

1000 1002.395 Florida Tax Credit Scholarship Program.—

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1001 (2) DEFINITIONS.—As used in this section, the term:  
1002 (f) "Eligible nonprofit scholarship-funding organization"  
1003 means a state university; or an independent college or  
1004 university that is eligible to participate in the William L.  
1005 Boyd, IV, Florida Resident Access Grant Program, located and  
1006 chartered in this state, is not for profit, and is accredited by  
1007 the Commission on Colleges of the Southern Association of  
1008 Colleges and Schools; or is a charitable organization that:  
1009 1. Is exempt from federal income tax pursuant to s.  
1010 501(c)(3) of the Internal Revenue Code;  
1011 2. Is a Florida entity formed under chapter 605, chapter  
1012 607, or chapter 617 and whose principal office is located in the  
1013 state; and  
1014 3. Complies with subsections (6) and (15) ~~subsections (6)~~  
1015 ~~and (16)~~.  
1016 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
1017 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
1018 organization:  
1019 (n) Must prepare and submit quarterly reports to the  
1020 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~  
1021 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding  
1022 organization must submit in a timely manner any information  
1023 requested by the Department of Education relating to the  
1024 scholarship program.

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1025 (o)1.a. Must participate in the joint development of  
1026 agreed-upon procedures ~~to be performed by an independent~~  
1027 ~~certified public accountant as required under paragraph (8)(e)~~  
1028 ~~if the scholarship-funding organization provided more than~~  
1029 ~~\$250,000 in scholarship funds to an eligible private school~~  
1030 ~~under this section~~ during the 2009-2010 state fiscal year. The  
1031 agreed-upon procedures must uniformly apply to all private  
1032 schools and must determine, at a minimum, whether the private  
1033 school has been verified as eligible by the Department of  
1034 Education under s. 1002.421 ~~paragraph (9)(e)~~; has an adequate  
1035 accounting system, system of financial controls, and process for  
1036 deposit and classification of scholarship funds; and has  
1037 properly expended scholarship funds for education-related  
1038 expenses. During the development of the procedures, the  
1039 participating scholarship-funding organizations shall specify  
1040 guidelines governing the materiality of exceptions that may be  
1041 found during the accountant's performance of the procedures. The  
1042 procedures and guidelines shall be provided to private schools  
1043 and the Commissioner of Education by March 15, 2011.

1044 b. Must participate in a joint review of the agreed-upon  
1045 procedures and guidelines developed under sub-subparagraph a.,  
1046 by February of each biennium ~~2013 and biennially thereafter~~, if  
1047 the scholarship-funding organization provided more than \$250,000  
1048 in scholarship funds to an eligible private school under this  
1049 chapter ~~section~~ during the state fiscal year preceding the

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1050 biennial review. If the procedures and guidelines are revised,  
1051 the revisions must be provided to private schools and the  
1052 Commissioner of Education by March 15 of the year in which the  
1053 revisions were completed. The revised agreed-upon procedures  
1054 shall take effect the subsequent school year. For the 2018-2019  
1055 school year only, the joint review of the agreed-upon procedures  
1056 must be completed and the revisions submitted to the  
1057 commissioner no later than September 15, 2018. The revised  
1058 procedures are applicable to the 2018-2019 school year, ~~2013,~~  
1059 and ~~biennially thereafter.~~

1060 c. Must monitor the compliance of a private school with  
1061 s. 1002.421(1)(q) ~~paragraph (8)(e)~~ if the scholarship-funding  
1062 organization provided the majority of the scholarship funding to  
1063 the school. For each private school subject to s. 1002.421(1)(q)  
1064 ~~paragraph (8)(e)~~, the appropriate scholarship-funding  
1065 organization shall annually notify the Commissioner of Education  
1066 by October 30, ~~2011, and annually thereafter~~ of:

1067 (I) A private school's failure to submit a report required  
1068 under s. 1002.421(1)(q) ~~paragraph (8)(e)~~; or

1069 (II) Any material exceptions set forth in the report  
1070 required under s. 1002.421(1)(q) ~~paragraph (8)(e)~~.

1071 2. Must seek input from the accrediting associations that  
1072 are members of the Florida Association of Academic Nonpublic  
1073 Schools and the Department of Education when jointly developing  
1074 the agreed-upon procedures and guidelines under sub-subparagraph

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1075 1.a. and conducting a review of those procedures and guidelines  
1076 under sub-subparagraph 1.b.

1077 (p) Must maintain the surety bond or letter of credit  
1078 required by subsection (15) ~~subsection (16)~~. The amount of the  
1079 surety bond or letter of credit may be adjusted quarterly to  
1080 equal the actual amount of undisbursed funds based upon  
1081 submission by the organization of a statement from a certified  
1082 public accountant verifying the amount of undisbursed funds. The  
1083 requirements of this paragraph are waived if the cost of  
1084 acquiring a surety bond or letter of credit exceeds the average  
1085 10-year cost of acquiring a surety bond or letter of credit by  
1086 200 percent. The requirements of this paragraph are waived for a  
1087 state university; or an independent college or university which  
1088 is eligible to participate in the William L. Boyd, IV, Florida  
1089 Resident Access Grant Program, located and chartered in this  
1090 state, is not for profit, and is accredited by the Commission on  
1091 Colleges of the Southern Association of Colleges and Schools.

1092  
1093 Information and documentation provided to the Department of  
1094 Education and the Auditor General relating to the identity of a  
1095 taxpayer that provides an eligible contribution under this  
1096 section shall remain confidential at all times in accordance  
1097 with s. 213.053.

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1098 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
1099 eligible private school may be sectarian or nonsectarian and  
1100 must:

1101 (a) Comply with all requirements for private schools  
1102 participating in state school choice scholarship programs  
1103 pursuant to s. 1002.421.

1104 ~~(b) Provide to the eligible nonprofit scholarship funding~~  
1105 ~~organization, upon request, all documentation required for the~~  
1106 ~~student's participation, including the private school's and~~  
1107 ~~student's fee schedules.~~

1108 ~~(c) Be academically accountable to the parent for meeting~~  
1109 ~~the educational needs of the student by:~~

1110 ~~1. At a minimum, annually providing to the parent a~~  
1111 ~~written explanation of the student's progress.~~

1112 ~~(b)1.2.~~ Annually administer or make administering or  
1113 ~~making~~ provision for students participating in the scholarship  
1114 program in grades 3 through 10 to take one of the nationally  
1115 norm-referenced tests identified by the Department of Education  
1116 or the statewide assessments pursuant to s. 1008.22. Students  
1117 with disabilities for whom standardized testing is not  
1118 appropriate are exempt from this requirement. A participating  
1119 private school must report a student's scores to the parent. A  
1120 participating private school must annually report by August 15  
1121 the scores of all participating students to a state university

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1122 ~~the Learning System Institute described in paragraph (9) (f)~~  
1123 ~~paragraph (9) (j).~~

1124 2. Administer ~~3. Cooperating with the scholarship student~~  
1125 ~~whose parent chooses to have the student participate in the~~  
1126 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~  
1127 ~~school chooses to offer the statewide assessments, administering~~  
1128 ~~the assessments at the school.~~

1129 ~~a.~~ A participating private school may choose to offer and  
1130 administer the statewide assessments to all students who attend  
1131 the private school in grades 3 through 10 and.

1132 ~~b.~~ A participating private school must submit a request in  
1133 writing to the Department of Education by March 1 of each year  
1134 in order to administer the statewide assessments in the  
1135 subsequent school year.

1136 ~~(d)~~ Employ or contract with teachers who have regular and  
1137 direct contact with each student receiving a scholarship under  
1138 this section at the school's physical location.

1139 ~~(e)~~ Provide a report from an independent certified public  
1140 accountant who performs the agreed-upon procedures developed  
1141 under paragraph (6) (o) if the private school receives more than  
1142 \$250,000 in funds from scholarships awarded under this section  
1143 in a state fiscal year. A private school subject to this  
1144 paragraph must annually submit the report by September 15 to the  
1145 scholarship-funding organization that awarded the majority of  
1146 the school's scholarship funds. The agreed-upon procedures must

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1147 ~~be conducted in accordance with attestation standards~~  
1148 ~~established by the American Institute of Certified Public~~  
1149 ~~Accountants.~~

1150  
1151 If a private school fails ~~is unable~~ to meet the requirements of  
1152 this subsection or s. 1002.421 ~~or has consecutive years of~~  
1153 ~~material exceptions listed in the report required under~~  
1154 ~~paragraph (e)~~, the commissioner may determine that the private  
1155 school is ineligible to participate in the scholarship program  
1156 ~~as determined by the Department of Education.~~

1157 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
1158 Education shall:

1159 (a) Annually submit to the department and division, by  
1160 March 15, a list of eligible nonprofit scholarship-funding  
1161 organizations that meet the requirements of paragraph (2) (f).

1162 (b) Annually verify the eligibility of nonprofit  
1163 scholarship-funding organizations that meet the requirements of  
1164 paragraph (2) (f).

1165 ~~(c) Annually verify the eligibility of private schools~~  
1166 ~~that meet the requirements of subsection (8).~~

1167 ~~(c)-(d)~~ Annually verify the eligibility of expenditures as  
1168 provided in paragraph (6) (d) using the audit required by  
1169 paragraph (6) (m) and s. 11.45(2)(l) ~~s. 11.45(2)(k)~~.

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1170 ~~(e) Establish a toll-free hotline that provides parents~~  
1171 ~~and private schools with information on participation in the~~  
1172 ~~scholarship program.~~

1173 ~~(f) Establish a process by which individuals may notify~~  
1174 ~~the Department of Education of any violation by a parent,~~  
1175 ~~private school, or school district of state laws relating to~~  
1176 ~~program participation. The Department of Education shall conduct~~  
1177 ~~an inquiry of any written complaint of a violation of this~~  
1178 ~~section, or make a referral to the appropriate agency for an~~  
1179 ~~investigation, if the complaint is signed by the complainant and~~  
1180 ~~is legally sufficient. A complaint is legally sufficient if it~~  
1181 ~~contains ultimate facts that show that a violation of this~~  
1182 ~~section or any rule adopted by the State Board of Education has~~  
1183 ~~occurred. In order to determine legal sufficiency, the~~  
1184 ~~Department of Education may require supporting information or~~  
1185 ~~documentation from the complainant. A department inquiry is not~~  
1186 ~~subject to the requirements of chapter 120.~~

1187 ~~(g) Require an annual, notarized, sworn compliance~~  
1188 ~~statement by participating private schools certifying compliance~~  
1189 ~~with state laws and shall retain such records.~~

1190 ~~(d)-(h)~~ Cross-check the list of participating scholarship  
1191 students with the public school enrollment lists to avoid  
1192 duplication.

1193 ~~(e)-(i)~~ Maintain a list of nationally norm-referenced tests  
1194 identified for purposes of satisfying the testing requirement in

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1195 subparagraph (8) (b) 1 ~~subparagraph (8) (c) 2~~. The tests must meet  
1196 industry standards of quality in accordance with State Board of  
1197 Education rule.

1198 ~~(f) (j)~~ Issue a project grant award to a state university  
1199 ~~the Learning System Institute at the Florida State University,~~  
1200 to which participating private schools must report the scores of  
1201 participating students on the nationally norm-referenced tests  
1202 or the statewide assessments administered by the private school  
1203 in grades 3 through 10. The project term is 2 years, and the  
1204 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The  
1205 project grant award must be reissued in 2-year intervals in  
1206 accordance with this paragraph.

1207 1. The state university ~~Learning System Institute~~ must  
1208 annually report to the Department of Education on the student  
1209 performance of participating students:

1210 a. On a statewide basis. The report shall also include, to  
1211 the extent possible, a comparison of scholarship students'  
1212 performance to the statewide student performance of public  
1213 school students with socioeconomic backgrounds similar to those  
1214 of students participating in the scholarship program. To  
1215 minimize costs and reduce time required for the state  
1216 university's ~~Learning System Institute's~~ analysis and  
1217 evaluation, the Department of Education shall coordinate with  
1218 the state university ~~Learning System Institute~~ to provide data  
1219 to the state university ~~Learning System Institute~~ in order to

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1220 conduct analyses of matched students from public school  
1221 assessment data and calculate control group student performance  
1222 using an agreed-upon methodology with the state university  
1223 ~~Learning System Institute~~; and  
1224       b. On an individual school basis. The annual report must  
1225 include student performance for each participating private  
1226 school in which at least 51 percent of the total enrolled  
1227 students in the private school participated in the Florida Tax  
1228 Credit Scholarship Program in the prior school year. The report  
1229 shall be according to each participating private school, and for  
1230 participating students, in which there are at least 30  
1231 participating students who have scores for tests administered.  
1232 If the state university ~~Learning System Institute~~ determines  
1233 that the 30-participating-student cell size may be reduced  
1234 without disclosing personally identifiable information, as  
1235 described in 34 C.F.R. s. 99.12, of a participating student, the  
1236 state university ~~Learning System Institute~~ may reduce the  
1237 participating-student cell size, but the cell size must not be  
1238 reduced to less than 10 participating students. The department  
1239 shall provide each private school's prior school year's student  
1240 enrollment information to the state university ~~Learning System~~  
1241 ~~Institute~~ no later than June 15 of each year, or as requested by  
1242 the state university ~~Learning System Institute~~.  
1243       2. The sharing and reporting of student performance data  
1244 under this paragraph must be in accordance with requirements of

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1245 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family  
1246 Educational Rights and Privacy Act, and the applicable rules and  
1247 regulations issued pursuant thereto, and shall be for the sole  
1248 purpose of creating the annual report required by subparagraph  
1249 1. All parties must preserve the confidentiality of such  
1250 information as required by law. The annual report must not  
1251 disaggregate data to a level that will identify individual  
1252 participating schools, except as required under sub-subparagraph  
1253 1.b., or disclose the academic level of individual students.

1254 3. The annual report required by subparagraph 1. shall be  
1255 published by the Department of Education on its website.

1256 (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding  
1257 organization of any of the organization's identified students  
1258 who are receiving educational scholarships pursuant to chapter  
1259 1002.

1260 (h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding  
1261 organization of any of the organization's identified students  
1262 who are receiving tax credit scholarships from other eligible  
1263 nonprofit scholarship-funding organizations.

1264 (i) ~~(m)~~ Require quarterly reports by an eligible nonprofit  
1265 scholarship-funding organization regarding the number of  
1266 students participating in the scholarship program, the private  
1267 schools at which the students are enrolled, and other  
1268 information deemed necessary by the Department of Education.

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1269       ~~(n)1. Conduct site visits to private schools participating~~  
1270 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~  
1271 ~~the site visits is solely to verify the information reported by~~  
1272 ~~the schools concerning the enrollment and attendance of~~  
1273 ~~students, the credentials of teachers, background screening of~~  
1274 ~~teachers, and teachers' fingerprinting results. The Department~~  
1275 ~~of Education may not make more than seven site visits each year;~~  
1276 ~~however, the department may make additional site visits at any~~  
1277 ~~time to any school that has received a notice of noncompliance~~  
1278 ~~or a notice of proposed action within the previous 2 years.~~

1279       ~~2. Annually, by December 15, report to the Governor, the~~  
1280 ~~President of the Senate, and the Speaker of the House of~~  
1281 ~~Representatives the Department of Education's actions with~~  
1282 ~~respect to implementing accountability in the scholarship~~  
1283 ~~program under this section and s. 1002.421, any substantiated~~  
1284 ~~allegations or violations of law or rule by an eligible private~~  
1285 ~~school under this program concerning the enrollment and~~  
1286 ~~attendance of students, the credentials of teachers, background~~  
1287 ~~screening of teachers, and teachers' fingerprinting results and~~  
1288 ~~the corrective action taken by the Department of Education.~~

1289       ~~(j)(e)~~ Provide a process to match the direct certification  
1290 list with the scholarship application data submitted by any  
1291 nonprofit scholarship-funding organization eligible to receive  
1292 the 3-percent administrative allowance under paragraph (6)(j).

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1293 ~~(p) Upon the request of a participating private school,~~  
1294 ~~provide at no cost to the school the statewide assessments~~  
1295 ~~administered under s. 1008.22 and any related materials for~~  
1296 ~~administering the assessments. Students at a private school may~~  
1297 ~~be assessed using the statewide assessments if the addition of~~  
1298 ~~those students and the school does not cause the state to exceed~~  
1299 ~~its contractual caps for the number of students tested and the~~  
1300 ~~number of testing sites. The state shall provide the same~~  
1301 ~~materials and support to a private school that it provides to a~~  
1302 ~~public school. A private school that chooses to administer~~  
1303 ~~statewide assessments under s. 1008.22 shall follow the~~  
1304 ~~requirements set forth in ss. 1008.22 and 1008.24, rules adopted~~  
1305 ~~by the State Board of Education to implement those sections, and~~  
1306 ~~district-level testing policies established by the district~~  
1307 ~~school board.~~

1308 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1309 ~~(a)1. The Commissioner of Education shall deny, suspend,~~  
1310 ~~or revoke a private school's participation in the scholarship~~  
1311 ~~program if it is determined that the private school has failed~~  
1312 ~~to comply with the provisions of this section. However, in~~  
1313 ~~instances in which the noncompliance is correctable within a~~  
1314 ~~reasonable amount of time and in which the health, safety, or~~  
1315 ~~welfare of the students is not threatened, the commissioner may~~  
1316 ~~issue a notice of noncompliance that shall provide the private~~  
1317 ~~school with a timeframe within which to provide evidence of~~

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1318 ~~compliance prior to taking action to suspend or revoke the~~  
1319 ~~private school's participation in the scholarship program.~~

1320 ~~2. The Commissioner of Education may deny, suspend, or~~  
1321 ~~revoke a private school's participation in the scholarship~~  
1322 ~~program if the commissioner determines that:~~

1323 ~~a. An owner or operator of a private school has exhibited~~  
1324 ~~a previous pattern of failure to comply with this section or s.~~  
1325 ~~1002.421; or~~

1326 ~~b. An owner or operator of the private school is operating~~  
1327 ~~or has operated an educational institution in this state or~~  
1328 ~~another state or jurisdiction in a manner contrary to the~~  
1329 ~~health, safety, or welfare of the public.~~

1330  
1331 ~~In making the determination under this subparagraph, the~~  
1332 ~~commissioner may consider factors that include, but are not~~  
1333 ~~limited to, acts or omissions by an owner or operator that led~~  
1334 ~~to a previous denial or revocation of participation in an~~  
1335 ~~education scholarship program; an owner's or operator's failure~~  
1336 ~~to reimburse the Department of Education or a nonprofit~~  
1337 ~~scholarship funding organization for scholarship funds~~  
1338 ~~improperly received or retained by a school; imposition of a~~  
1339 ~~prior criminal sanction, civil fine, administrative fine,~~  
1340 ~~license revocation or suspension, or program eligibility~~  
1341 ~~suspension, termination, or revocation related to an owner's or~~  
1342 ~~operator's management or operation of an educational~~

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1343 ~~institution; or other types of criminal proceedings in which the~~  
1344 ~~owner or operator was found guilty of, regardless of~~  
1345 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~  
1346 ~~any offense involving fraud, deceit, dishonesty, or moral~~  
1347 ~~turpitude.~~

1348 ~~(b) The commissioner's determination is subject to the~~  
1349 ~~following:~~

1350 ~~1. If the commissioner intends to deny, suspend, or revoke~~  
1351 ~~a private school's participation in the scholarship program, the~~  
1352 ~~Department of Education shall notify the private school of such~~  
1353 ~~proposed action in writing by certified mail and regular mail to~~  
1354 ~~the private school's address of record with the Department of~~  
1355 ~~Education. The notification shall include the reasons for the~~  
1356 ~~proposed action and notice of the timelines and procedures set~~  
1357 ~~forth in this paragraph.~~

1358 ~~2. The private school that is adversely affected by the~~  
1359 ~~proposed action shall have 15 days from receipt of the notice of~~  
1360 ~~proposed action to file with the Department of Education's~~  
1361 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~  
1362 ~~and 120.57. If the private school is entitled to a hearing under~~  
1363 ~~s. 120.57(1), the Department of Education shall forward the~~  
1364 ~~request to the Division of Administrative Hearings.~~

1365 ~~3. Upon receipt of a request referred pursuant to this~~  
1366 ~~paragraph, the director of the Division of Administrative~~  
1367 ~~Hearings shall expedite the hearing and assign an administrative~~

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1368 ~~law judge who shall commence a hearing within 30 days after the~~  
1369 ~~receipt of the formal written request by the division and enter~~  
1370 ~~a recommended order within 30 days after the hearing or within~~  
1371 ~~30 days after receipt of the hearing transcript, whichever is~~  
1372 ~~later. Each party shall be allowed 10 days in which to submit~~  
1373 ~~written exceptions to the recommended order. A final order shall~~  
1374 ~~be entered by the agency within 30 days after the entry of a~~  
1375 ~~recommended order. The provisions of this subparagraph may be~~  
1376 ~~waived upon stipulation by all parties.~~

1377 ~~(c) The commissioner may immediately suspend payment of~~  
1378 ~~scholarship funds if it is determined that there is probable~~  
1379 ~~cause to believe that there is:~~

1380 ~~1. An imminent threat to the health, safety, and welfare~~  
1381 ~~of the students;~~

1382 ~~2. A previous pattern of failure to comply with this~~  
1383 ~~section or s. 1002.421; or~~

1384 ~~3. Fraudulent activity on the part of the private school.~~  
1385 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~  
1386 ~~activity pursuant to this section, the Department of Education's~~  
1387 ~~Office of Inspector General is authorized to release personally~~  
1388 ~~identifiable records or reports of students to the following~~  
1389 ~~persons or organizations:~~

1390 ~~a. A court of competent jurisdiction in compliance with an~~  
1391 ~~order of that court or the attorney of record in accordance with~~

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1392 ~~a lawfully issued subpoena, consistent with the Family~~  
1393 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1394 ~~b. A person or entity authorized by a court of competent~~  
1395 ~~jurisdiction in compliance with an order of that court or the~~  
1396 ~~attorney of record pursuant to a lawfully issued subpoena,~~  
1397 ~~consistent with the Family Educational Rights and Privacy Act,~~  
1398 ~~20 U.S.C. s. 1232g.~~

1399 ~~e. Any person, entity, or authority issuing a subpoena for~~  
1400 ~~law enforcement purposes when the court or other issuing agency~~  
1401 ~~has ordered that the existence or the contents of the subpoena~~  
1402 ~~or the information furnished in response to the subpoena not be~~  
1403 ~~disclosed, consistent with the Family Educational Rights and~~  
1404 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1405  
1406 ~~The commissioner's order suspending payment pursuant to this~~  
1407 ~~paragraph may be appealed pursuant to the same procedures and~~  
1408 ~~timelines as the notice of proposed action set forth in~~  
1409 ~~paragraph (b).~~

1410 Section 23. Section 1002.40, Florida Statutes, is created  
1411 to read:

1412 1002.40 The Hope Scholarship Program.—

1413 (1) PURPOSE.—The Hope Scholarship Program is established  
1414 to provide the parent of a public school student who was  
1415 subjected to an incident listed in subsection (3) an opportunity  
1416 to transfer the student to another public school or to request a

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1417 scholarship for the student to enroll in and attend an eligible  
1418 private school.

1419 (2) DEFINITIONS.—As used in this section, the term:

1420 (a) "Dealer" has the same meaning as provided in s.

1421 212.06.

1422 (b) "Department" means the Department of Education.

1423 (c) "Designated agent" has the same meaning as provided in  
1424 s. 212.06(10).

1425 (d) "Eligible contribution" or "contribution" means a  
1426 monetary contribution from a person purchasing a motor vehicle,  
1427 subject to the restrictions provided in this section, to an  
1428 eligible nonprofit scholarship-funding organization. The person  
1429 making the contribution may not designate a specific student as  
1430 the beneficiary of the contribution.

1431 (e) "Eligible nonprofit scholarship-funding organization"  
1432 or "organization" has the same meaning as provided in s.  
1433 1002.395(2) (f).

1434 (f) "Eligible private school" has the same meaning as  
1435 provided in s. 1002.395(2) (g).

1436 (g) "Motor vehicle" has the same meaning as provided in s.  
1437 320.01(1) (a), but does not include a heavy truck, truck tractor,  
1438 trailer, or motorcycle.

1439 (h) "Parent" means a resident of this state who is a  
1440 parent, as defined in s. 1000.21, and whose student was  
1441 subjected to an incident listed in subsection (3).

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1442 (i) "Program" means the Hope Scholarship Program.

1443 (j) "School" means any educational program or activity  
1444 conducted by a public K-12 educational institution, any school-  
1445 related or school-sponsored program or activity, and riding on a  
1446 school bus, as defined in s. 1006.25(1), including waiting at a  
1447 school bus stop.

1448 (k) "Unweighted FTE funding amount" means the statewide  
1449 average total funds per unweighted full-time equivalent funding  
1450 amount that is incorporated by reference in the General  
1451 Appropriations Act, or by a subsequent special appropriations  
1452 act, for the applicable state fiscal year.

1453 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019  
1454 school year, contingent upon available funds, and on a first-  
1455 come, first-served basis, a student enrolled in a Florida public  
1456 school in kindergarten through grade 12 is eligible for a  
1457 scholarship under this program if the student has been subjected  
1458 to an incident of battery; harassment; hazing; bullying;  
1459 kidnapping; physical attack; robbery; sexual offenses,  
1460 harassment, assault, or battery; threat or intimidation; or  
1461 fighting at school.

1462 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a  
1463 student enrolled in a private school may not be made if a  
1464 student is:

1465 (a) Enrolled in a public school, including, but not  
1466 limited to, the Florida School for the Deaf and the Blind; the

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1467 College-Preparatory Boarding Academy; a developmental research  
1468 school authorized under s. 1002.32; or a charter school  
1469 authorized under s. 1002.33, s. 1002.331, or s. 1002.332;

1470 (b) Enrolled in a school operating for the purpose of  
1471 providing educational services to youth in the Department of  
1472 Juvenile Justice commitment programs;

1473 (c) Participating in a virtual school, correspondence  
1474 school, or distance learning program that receives state funding  
1475 pursuant to the student's participation unless the participation  
1476 is limited to no more than two courses per school year; or

1477 (d) Receiving any other educational scholarship pursuant  
1478 to this chapter.

1479 (5) TERM OF HOPE SCHOLARSHIP.-For purposes of continuity  
1480 of educational choice, a Hope scholarship shall remain in force  
1481 until the student returns to public school or graduates from  
1482 high school, whichever occurs first. A scholarship student who  
1483 enrolls in a public school or public school program is  
1484 considered to have returned to a public school for the purpose  
1485 of determining the end of the scholarship's term.

1486 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

1487 (a) Upon receipt of a report of an incident listed in  
1488 subsection (3), the school principal shall provide a copy of the  
1489 report to the parent and investigate the incident to determine  
1490 if the incident must be reported as required by s. 1006.09(6).  
1491 Upon conclusion of the investigation or within 15 days after the

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1492 incident was reported, whichever occurs first, the school  
1493 district shall notify the parent of the program and offer the  
1494 parent an opportunity to enroll his or her student in another  
1495 public school or to request and receive a scholarship to attend  
1496 an eligible private school, subject to available funding. A  
1497 parent who chooses to enroll his or her student in a public  
1498 school located outside the district in which the student resides  
1499 pursuant to s. 1002.31 shall be eligible for a scholarship to  
1500 transport the student as provided in paragraph (11) (b).

1501 (b) For each student participating in the program in an  
1502 eligible private school who chooses to participate in the  
1503 statewide assessments under s. 1008.22 or the Florida Alternate  
1504 Assessment, the school district in which the student resides  
1505 must notify the student and his or her parent about the  
1506 locations and times to take all statewide assessments.

1507 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
1508 eligible private school may be sectarian or nonsectarian and  
1509 shall:

1510 (a) Comply with all requirements for private schools  
1511 participating in state school choice scholarship programs  
1512 pursuant to this section and s. 1002.421.

1513 (b)1. Annually administer or make provision for students  
1514 participating in the program in grades 3 through 10 to take one  
1515 of the nationally norm-referenced tests identified by the  
1516 department or the statewide assessments pursuant to s. 1008.22.

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1517 Students with disabilities for whom standardized testing is not  
1518 appropriate are exempt from this requirement. A participating  
1519 private school shall report a student's scores to his or her  
1520 parent.

1521 2. Administer the statewide assessments pursuant to s.  
1522 1008.22 if a private school chooses to offer the statewide  
1523 assessments. A participating private school may choose to offer  
1524 and administer the statewide assessments to all students who  
1525 attend the private school in grades 3 through 10 and must submit  
1526 a request in writing to the department by March 1 of each year  
1527 in order to administer the statewide assessments in the  
1528 subsequent school year.

1529  
1530 If a private school fails to meet the requirements of this  
1531 subsection or s. 1002.421, the commissioner may determine that  
1532 the private school is ineligible to participate in the program.

1533 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
1534 shall:

1535 (a) Cross-check the list of participating scholarship  
1536 students with the public school enrollment lists to avoid  
1537 duplication.

1538 (b) Maintain a list of nationally norm-referenced tests  
1539 identified for purposes of satisfying the testing requirement in  
1540 paragraph (9) (f). The tests must meet industry standards of  
1541 quality in accordance with State Board of Education rule.

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1542 (c) Require quarterly reports by an eligible nonprofit  
1543 scholarship-funding organization regarding the number of  
1544 students participating in the program, the private schools in  
1545 which the students are enrolled, and other information deemed  
1546 necessary by the department.

1547 (d) Contract with an independent entity to provide an  
1548 annual evaluation of the program by:

1549 1. Reviewing the school climate and code of student  
1550 conduct of each public school from which 10 or more students  
1551 transferred to another public school or private school using the  
1552 Hope scholarship to determine areas in the school or school  
1553 district procedures involving reporting, investigating, and  
1554 communicating a parent's and student's rights that are in need  
1555 of improvement. At a minimum, the review must include:

1556 a. An assessment of the investigation time and quality of  
1557 the response of the school and the school district.

1558 b. An assessment of the effectiveness of communication  
1559 procedures with the students involved in an incident, the  
1560 students' parents, and the school and school district personnel.

1561 c. An analysis of school incident and discipline data.

1562 d. The challenges and obstacles relating to implementing  
1563 recommendations from the review.

1564 2. Reviewing the school climate and code of student  
1565 conduct of each public school to which a student transferred if  
1566 the student was from a school identified in subparagraph 1. in

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1567 order to identify best practices and make recommendations to a  
1568 public school at which the incidents occurred.

1569 3. Reviewing the performance of participating students  
1570 enrolled in a private school in which at least 51 percent of the  
1571 total enrolled students in the prior school year participated in  
1572 the program and in which there are at least 10 participating  
1573 students who have scores for tests administered.

1574 4. Surveying the parents of participating students to  
1575 determine academic, safety, and school climate satisfaction and  
1576 to identify any challenges to or obstacles in addressing the  
1577 incident or relating to the use of the scholarship.

1578 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
1579 PARTICIPATION.—A parent who applies for a Hope scholarship is  
1580 exercising his or her parental option to place his or her  
1581 student in an eligible private school.

1582 (a) The parent must select an eligible private school and  
1583 apply for the admission of his or her student.

1584 (b) The parent must inform the student's school district  
1585 when the parent withdraws his or her student to attend an  
1586 eligible private school.

1587 (c) Any student participating in the program must remain  
1588 in attendance throughout the school year unless excused by the  
1589 school for illness or other good cause.

1590 (d) Each parent and each student has an obligation to the  
1591 private school to comply with such school's published policies.

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1592 (e) Upon reasonable notice to the department and the  
1593 school district, the parent may remove the student from the  
1594 private school and place the student in a public school in  
1595 accordance with this section.

1596 (f) The parent must ensure that the student participating  
1597 in the program takes the norm-referenced assessment offered by  
1598 the private school. The parent may also choose to have the  
1599 student participate in the statewide assessments pursuant to s.  
1600 1008.22. If the parent requests that the student take the  
1601 statewide assessments pursuant to s. 1008.22 and the private  
1602 school has not chosen to offer and administer the statewide  
1603 assessments, the parent is responsible for transporting the  
1604 student to the assessment site designated by the school  
1605 district.

1606 (g) Upon receipt of a scholarship warrant, the parent to  
1607 whom the warrant is made must restrictively endorse the warrant  
1608 to the private school for deposit into the account of such  
1609 school. If payment is made by funds transfer in accordance with  
1610 paragraph (11)(d), the parent must approve each payment before  
1611 the scholarship funds may be deposited. The parent may not  
1612 designate any entity or individual associated with the  
1613 participating private school as the parent's attorney in fact to  
1614 endorse a scholarship warrant or approve a funds transfer. A  
1615 parent who fails to comply with this paragraph forfeits the  
1616 scholarship.

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1617 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
1618 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
1619 organization may establish scholarships for eligible students  
1620 by:

1621 (a) Receiving applications and determining student  
1622 eligibility in accordance with the requirements of this section.

1623 (b) Notifying parents of their receipt of a scholarship on  
1624 a first-come, first-served basis, based upon available funds.

1625 (c) Establishing a date by which the parent of a  
1626 participating student must confirm continuing participation in  
1627 the program.

1628 (d) Awarding scholarship funds to eligible students,  
1629 giving priority to renewing students from the previous year.

1630 (e) Preparing and submitting quarterly reports to the  
1631 department pursuant to paragraph (8)(c). In addition, an  
1632 eligible nonprofit scholarship-funding organization must submit  
1633 in a timely manner any information requested by the department  
1634 relating to the program.

1635 (f) Notifying the department of any violation of this  
1636 section.

1637 (11) FUNDING AND PAYMENT.—

1638 (a) The maximum amount awarded to a student enrolled in an  
1639 eligible private school shall be determined as a percentage of  
1640 the unweighted FTE funding amount for that state fiscal year and  
1641 thereafter as follows:

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1642 1. Eighty-eight percent for a student enrolled in  
1643 kindergarten through grade 5.

1644 2. Ninety-two percent for a student enrolled in grade 6  
1645 through grade 8.

1646 3. Ninety-six percent for a student enrolled in grade 9  
1647 through grade 12.

1648 (b) The maximum amount awarded to a student enrolled in a  
1649 public school located outside of the district in which the  
1650 student resides shall be \$750.

1651 (c) When a student enters the program, the eligible  
1652 nonprofit scholarship-funding organization must receive all  
1653 documentation required for the student's participation,  
1654 including a copy of the report of the incident received pursuant  
1655 to subsection (6) and the private school's and student's fee  
1656 schedules. The initial payment shall be made after verification  
1657 of admission acceptance, and subsequent payments shall be made  
1658 upon verification of continued enrollment and attendance at the  
1659 private school.

1660 (d) Payment of the scholarship by the eligible nonprofit  
1661 scholarship-funding organization may be by individual warrant  
1662 made payable to the student's parent or by funds transfer,  
1663 including, but not limited to, debit cards, electronic payment  
1664 cards, or any other means of payment that the department deems  
1665 to be commercially viable or cost-effective. If payment is made  
1666 by warrant, the warrant must be delivered by the eligible

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1667 nonprofit scholarship-funding organization to the private school  
1668 of the parent's choice, and the parent shall restrictively  
1669 endorse the warrant to the private school. If payments are made  
1670 by funds transfer, the parent must approve each payment before  
1671 the scholarship funds may be deposited. The parent may not  
1672 designate any entity or individual associated with the  
1673 participating private school as the parent's attorney in fact to  
1674 endorse a scholarship warrant or approve a funds transfer.

1675 (e) An eligible nonprofit scholarship-funding organization  
1676 shall obtain verification from the private school of a student's  
1677 continued attendance at the school for each period covered by a  
1678 scholarship payment.

1679 (f) Payment of the scholarship shall be made by the  
1680 eligible nonprofit scholarship-funding organization no less  
1681 frequently than on a quarterly basis.

1682 (g) An eligible nonprofit scholarship-funding organization  
1683 may use up to 3 percent of eligible contributions received  
1684 during the state fiscal year in which such contributions are  
1685 collected for administrative expenses if the organization has  
1686 operated as an eligible nonprofit scholarship-funding  
1687 organization for at least the preceding 3 fiscal years and did  
1688 not have any findings of material weakness or material  
1689 noncompliance in its most recent audit under s. 1002.395(6)(m).  
1690 Such administrative expenses must be reasonable and necessary  
1691 for the organization's management and distribution of eligible

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1692 contributions under this section. Funds authorized under this  
1693 paragraph may not be used for lobbying or political activity or  
1694 expenses related to lobbying or political activity. Up to one-  
1695 third of the funds authorized for administrative expenses under  
1696 this paragraph may be used for expenses related to the  
1697 recruitment of contributions. An eligible nonprofit scholarship-  
1698 funding organization may not charge an application fee.

1699 (h) Moneys received pursuant to this section do not  
1700 constitute taxable income to the qualified student or his or her  
1701 parent.

1702 (12) OBLIGATIONS OF THE AUDITOR GENERAL.-

1703 (a) The Auditor General shall conduct an annual  
1704 operational audit of accounts and records of each organization  
1705 that participates in the program. As part of this audit, the  
1706 Auditor General shall verify, at a minimum, the total number of  
1707 students served and transmit that information to the department.  
1708 The Auditor General shall provide the commissioner with a copy  
1709 of each annual operational audit performed pursuant to this  
1710 paragraph within 10 days after the audit is finalized.

1711 (b) The Auditor General shall notify the department of any  
1712 organization that fails to comply with a request for  
1713 information.

1714 (13) SCHOLARSHIP FUNDING TAX CREDITS-

1715 (a) A tax credit is available under s. 212.1832(1) for use  
1716 by a person that makes an eligible contribution. Each eligible

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1717 contribution is limited to a single payment of \$105 per motor  
1718 vehicle purchased at the time of purchase of a motor vehicle or  
1719 a single payment of \$105 per motor vehicle purchased at the time  
1720 of registration of a motor vehicle that was not purchased from a  
1721 dealer. Payments of contributions shall be made to a dealer at  
1722 the time of purchase of a motor vehicle or to a designated agent  
1723 or private tag agent at the time of registration of a motor  
1724 vehicle that was not purchased from a dealer. An eligible  
1725 contribution shall be accompanied by a contribution election  
1726 form provided by the Department of Revenue. The form shall  
1727 include, at a minimum, a brief description of the Hope  
1728 Scholarship Program and a section allowing the consumer to  
1729 designate, from all participating scholarship funding  
1730 organizations, which organization will receive his or her  
1731 donation. For purposes of this subsection, the term "purchase"  
1732 does not include the lease or rental of a motor vehicle.

1733 (b) A dealer, designated agent, or private tag agent  
1734 shall:

1735 1. Provide the purchaser the contribution election form,  
1736 as provided by the Department of Revenue, at the time of  
1737 purchase of a motor vehicle or at the time of registration of a  
1738 motor vehicle that was not purchased from a dealer.

1739 2. Collect eligible contributions.

1740 3. Using a form provided by the Department of Revenue,  
1741 which shall include the dealer's or agent's federal employer

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1742 identification number, remit to an organization no later than  
1743 the date the return filed pursuant to s. 212.11 is due the total  
1744 amount of contributions made to that organization and collected  
1745 during the preceding reporting period. The dealer or agent shall  
1746 also report this information to the Department of Revenue no  
1747 later than the date the return filed pursuant to s. 212.11 is  
1748 due.

1749 4. Report to the Department of Revenue on each return  
1750 filed pursuant to s. 212.11 the total amount of credits granted  
1751 under s. 212.1832 for the preceding reporting period.

1752 (c) An organization shall report to the Department of  
1753 Revenue, on or before the 20th day of each month, the total  
1754 amount of contributions received pursuant to paragraph (b) in  
1755 the preceding calendar month on a form provided by the  
1756 Department of Revenue. Such report shall include:

1757 1. The federal employer identification number of each  
1758 designated agent, private tag agent, or dealer who remitted  
1759 contributions to the organization during that reporting period.

1760 2. The amount of contributions received from each  
1761 designated agent, private tag agent, or dealer during that  
1762 reporting period.

1763 (d) A person who, with the intent to unlawfully deprive or  
1764 defraud the program of its moneys or the use or benefit thereof,  
1765 fails to remit a contribution collected under this section is  
1766 guilty of theft, punishable as follows:

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1767 1. If the total amount stolen is less than \$300, the  
1768 offense is a misdemeanor of the second degree, punishable as  
1769 provided in s. 775.082 or s. 775.083. Upon a second conviction,  
1770 the offender is guilty of a misdemeanor of the first degree,  
1771 punishable as provided in s. 775.082 or s. 775.083. Upon a third  
1772 or subsequent conviction, the offender is guilty of a felony of  
1773 the third degree, punishable as provided in s. 775.082, s.  
1774 775.083, or s. 775.084.

1775 2. If the total amount stolen is \$300 or more, but less  
1776 than \$20,000, the offense is a felony of the third degree,  
1777 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1778 3. If the total amount stolen is \$20,000 or more, but less  
1779 than \$100,000, the offense is a felony of the second degree,  
1780 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1781 4. If the total amount stolen is \$100,000 or more, the  
1782 offense is a felony of the first degree, punishable as provided  
1783 in s. 775.082, s. 775.083, or s. 775.084.

1784 (e) A person convicted of an offense under paragraph (d)  
1785 shall be ordered by the sentencing judge to make restitution to  
1786 the organization in the amount that was stolen from the program.

1787 (f) Upon a finding that a dealer failed to remit a  
1788 contribution under subparagraph (b)3. for which the dealer  
1789 claimed a credit pursuant to s. 212.1832(2), the Department of  
1790 Revenue shall notify the dealer of such finding and request  
1791 evidence from the dealer that demonstrates the remittance

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1792 obligation was met within 30 days after such notice was issued.  
1793 If, within 30 days after such notice was issued, the dealer  
1794 fails to provide evidence to the Department of Revenue that the  
1795 contribution in question was remitted, the Department of Revenue  
1796 may impose a civil fine in an amount equal to twice the amount  
1797 of contributions the dealer failed to remit, which fine shall be  
1798 transferred into the General Revenue Fund. If the fine is not  
1799 paid within 60 days after it is imposed, the Department of  
1800 Revenue may bring a civil action under s. 120.69 to recover such  
1801 fine.

1802 (g) Any dealer, designated agent, private tag agent, or  
1803 organization that fails to timely submit reports to the  
1804 Department of Revenue as required in paragraphs (b) and (c) is  
1805 subject to a penalty of \$1,000 for every month, or part thereof,  
1806 the report is not provided, up to a maximum amount of \$10,000.  
1807 Such penalty shall be collected by the Department of Revenue and  
1808 shall be transferred into the General Revenue Fund. Such penalty  
1809 must be settled or compromised if it is determined by the  
1810 Department of Revenue that the noncompliance is due to  
1811 reasonable cause and not due to willful negligence, willful  
1812 neglect, or fraud.

1813 (14) LIABILITY.—The state is not liable for the award of  
1814 or any use of awarded funds under this section.

1815 (15) SCOPE OF AUTHORITY.—This section does not expand the  
1816 regulatory authority of this state, its officers, or any school

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1817 district to impose additional regulation on participating  
1818 private schools beyond those reasonably necessary to enforce  
1819 requirements expressly set forth in this section.

1820 (16) RULES.—The State Board of Education shall adopt rules  
1821 to administer this section, except the Department of Revenue  
1822 shall adopt rules to administer subsection (13).

1823 Section 24. Section 1002.411, Florida Statutes, is created  
1824 to read:

1825 1002.411 Reading scholarship accounts.—

1826 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship  
1827 accounts are established to provide educational options for  
1828 students.

1829 (2) ELIGIBILITY.—Contingent upon available funds, and on a  
1830 first-come, first-served basis, each student in grades 3 through  
1831 5 who is enrolled in a Florida public school is eligible for a  
1832 reading scholarship account if the student scored below a Level  
1833 3 on the grade 3 or grade 4 statewide, standardized English  
1834 Language Arts (ELA) assessment in the prior school year.

1835 (3) PARENT AND STUDENT RESPONSIBILITIES FOR  
1836 PARTICIPATION.—

1837 (a) For an eligible student to receive a reading  
1838 scholarship account, the student's parent must:

1839 1. Submit an application to an eligible nonprofit  
1840 scholarship-funding organization by the deadline established by  
1841 such organization; and

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1842           2. Submit eligible expenses to the eligible nonprofit  
1843 scholarship-funding organization for reimbursement of qualifying  
1844 expenditures, which may include:

1845           a. Instructional materials.

1846           b. Curriculum. As used in this sub-subparagraph, the term  
1847 "curriculum" means a complete course of study for a particular  
1848 content area or grade level, including any required supplemental  
1849 materials and associated online instruction.

1850           c. Tuition and fees for part-time tutoring services  
1851 provided by a person who holds a baccalaureate or graduate  
1852 degree in the subject area; a person who holds an adjunct  
1853 teaching certificate pursuant to s. 1012.57; or a person who has  
1854 demonstrated a mastery of subject area knowledge pursuant to s.  
1855 1012.56(5).

1856           d. Fees for summer education programs.

1857           e. Fees for after-school education programs.

1858           f. Specialized services by approved providers or by a  
1859 hospital in this state which are selected by the parent. These  
1860 specialized services may include, but are not limited to:

1861           (I) Applied behavior analysis services as provided in ss.  
1862 627.6686 and 641.31098.

1863           (II) Services provided by speech-language pathologists as  
1864 defined in s. 468.1125.

1865           (III) Occupational therapy services as defined in s.  
1866 468.203.

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1867 (IV) Services provided by physical therapists as defined  
1868 in s. 486.021.

1869 (V) Services provided by listening and spoken language  
1870 specialists and an appropriate acoustical environment for a  
1871 child who is deaf or hard of hearing and who has received an  
1872 implant or assistive hearing device.

1873  
1874 A provider of any services receiving payments pursuant to this  
1875 subparagraph may not share any moneys from the reading  
1876 scholarship with, or provide a refund or rebate of any moneys  
1877 from such scholarship to, the parent or participating student in  
1878 any manner. A parent, student, or provider of any services may  
1879 not bill an insurance company, Medicaid, or any other agency for  
1880 the same services that are paid for using reading scholarship  
1881 funds.

1882 (b) The parent is responsible for the payment of all  
1883 eligible expenses in excess of the amount in the account in  
1884 accordance with the terms agreed to between the parent and any  
1885 providers and may not receive any refund or rebate of any  
1886 expenditures made in accordance with paragraph (a).

1887 (4) ADMINISTRATION.—An eligible nonprofit scholarship-  
1888 funding organization participating in the Florida Tax Credit  
1889 Scholarship Program established by s. 1002.395 may establish  
1890 reading scholarship accounts for eligible students in accordance

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1891 with the requirements of eligible nonprofit scholarship-funding  
1892 organizations under this chapter.

1893 (5) DEPARTMENT OBLIGATIONS.—The department shall have the  
1894 same duties imposed by this chapter upon the department  
1895 regarding oversight of scholarship programs administered by an  
1896 eligible nonprofit scholarship-funding organization.

1897 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By  
1898 September 30, the school district shall notify the parent of  
1899 each student in grades 3 through 5 who scored below a level 3 on  
1900 the statewide, standardized ELA assessment in the prior school  
1901 year of the process to request and receive a reading  
1902 scholarship, subject to available funds.

1903 (7) ACCOUNT FUNDING AND PAYMENT.—

1904 (a) The maximum amount granted for an eligible student  
1905 shall be provided in the General Appropriations Act.

1906 (b) One hundred percent of the funds appropriated for the  
1907 reading scholarship accounts shall be released to the department  
1908 at the beginning of the first quarter of each fiscal year.

1909 (c) Upon notification from the eligible nonprofit  
1910 scholarship-funding organization that a student has been  
1911 determined eligible for a reading scholarship, the department  
1912 shall release the student's scholarship funds to such  
1913 organization to be deposited into the student's account.

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1914 (d) Accrued interest in the student's account is in  
1915 addition to, and not part of, the awarded funds. Account funds  
1916 include both the awarded funds and accrued interest.

1917 (e) The eligible nonprofit scholarship-funding  
1918 organization may develop a system for payment of scholarship  
1919 funds by funds transfer, including, but not limited to, debit  
1920 cards, electronic payment cards, or any other means of payment  
1921 that the department deems to be commercially viable or cost-  
1922 effective. A student's scholarship award may not be reduced for  
1923 debit card or electronic payment fees. Commodities or services  
1924 related to the development of such a system shall be procured by  
1925 competitive solicitation unless they are purchased from a state  
1926 term contract pursuant to s. 287.056.

1927 (f) Payment of the scholarship shall be made by the  
1928 eligible nonprofit scholarship-funding organization no less  
1929 frequently than on a quarterly basis.

1930 (g) In addition to funds appropriated for scholarships and  
1931 subject to a separate, specific legislative appropriation, an  
1932 organization may receive an amount equivalent to not more than 3  
1933 percent of the amount of each scholarship from state funds for  
1934 administrative expenses if the organization has operated as a  
1935 nonprofit entity for at least the preceding 3 fiscal years and  
1936 did not have any findings of material weakness or material  
1937 noncompliance in its most recent audit under s. 1002.395. Such  
1938 administrative expenses must be reasonable and necessary for the

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1939 organization's management and distribution of scholarships under  
1940 this section. Funds authorized under this paragraph may not be  
1941 used for lobbying or political activity or expenses related to  
1942 lobbying or political activity. An organization may not charge  
1943 an application fee for a scholarship. Administrative expenses  
1944 may not be deducted from funds appropriated for scholarships.

1945 (h) Moneys received pursuant to this section do not  
1946 constitute taxable income to the qualified student or his or her  
1947 parent.

1948 (i) A student's scholarship account must be closed and any  
1949 remaining funds shall revert to the state after:

1950 1. Denial or revocation of scholarship eligibility by the  
1951 commissioner for fraud or abuse, including, but not limited to,  
1952 the student or student's parent accepting any payment, refund,  
1953 or rebate, in any manner, from a provider of any services  
1954 received pursuant to subsection (3); or

1955 2. Three consecutive fiscal years in which an account has  
1956 been inactive.

1957 (8) LIABILITY.—No liability shall arise on the part of the  
1958 state based on the award or use of a reading scholarship  
1959 account.

1960 Section 25. Section 1002.421, Florida Statutes, is amended  
1961 to read:

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1962 1002.421 ~~Accountability of private schools participating~~  
1963 ~~in~~ State school choice scholarship program accountability and  
1964 oversight programs.—

1965 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A Florida  
1966 private school participating in ~~the Florida Tax Credit~~  
1967 ~~Scholarship Program established pursuant to s. 1002.395 or an~~  
1968 educational scholarship program established pursuant to this  
1969 chapter must be a Florida private school as defined in s.  
1970 1002.01(2), be registered, and be in compliance ~~comply~~ with all  
1971 requirements of this section in addition to private school  
1972 requirements outlined in s. 1002.42, specific requirements  
1973 identified within respective scholarship program laws, and other  
1974 provisions of Florida law that apply to private schools, and  
1975 must:—

1976 ~~(2) A private school participating in a scholarship~~  
1977 ~~program must be a Florida private school as defined in s.~~  
1978 ~~1002.01(2), must be registered in accordance with s. 1002.42,~~  
1979 ~~and must:—~~

1980 (a) Comply with the antidiscrimination provisions of 42  
1981 U.S.C. s. 2000d.

1982 (b) Notify the department of its intent to participate in  
1983 a scholarship program.

1984 (c) Notify the department of any change in the school's  
1985 name, school director, mailing address, or physical location  
1986 within 15 days after the change.

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1987 (d) Provide to the department or scholarship-funding  
1988 organization all documentation required for a student's  
1989 participation, including the private school's and student's  
1990 individual fee schedule, and ~~Complete student enrollment and~~  
1991 ~~attendance verification requirements, including use of an online~~  
1992 attendance verification as required by the department or  
1993 scholarship-funding organization form, prior to scholarship  
1994 payment.

1995 (e) Annually complete and submit to the department a  
1996 notarized scholarship compliance statement certifying that all  
1997 school employees and contracted personnel with direct student  
1998 contact have undergone background screening pursuant to s.  
1999 943.0542 and have met the screening standards of s. 435.04.

2000 (f) Demonstrate fiscal soundness and accountability by:  
2001 1. Being in operation for at least 3 school years or  
2002 obtaining a surety bond or letter of credit for the amount equal  
2003 to the scholarship funds for any quarter and filing the surety  
2004 bond or letter of credit with the department.

2005 2. Requiring the parent of each scholarship student to  
2006 personally restrictively endorse the scholarship warrant to the  
2007 school or approve a funds transfer before any funds are  
2008 deposited for a student. The school may not act as attorney in  
2009 fact for the parent of a scholarship student under the authority  
2010 of a power of attorney executed by such parent, or under any

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2011 other authority, to endorse a scholarship warrant or approve a  
2012 funds transfer warrants on behalf of such parent.

2013 (g) Meet applicable state and local health, safety, and  
2014 welfare laws, codes, and rules, including:

- 2015 1. Firesafety.  
2016 2. Building safety.

2017 (h) Employ or contract with teachers who hold  
2018 baccalaureate or higher degrees, have at least 3 years of  
2019 teaching experience in public or private schools, or have  
2020 special skills, knowledge, or expertise that qualifies them to  
2021 provide instruction in subjects taught.

2022 (i) Maintain a physical location in the state at which  
2023 each student has regular and direct contact with teachers.

2024 (j) Publish on the school's website, or in a written  
2025 format, information for parents regarding the school, including,  
2026 but not limited to, programs, services, and the qualifications  
2027 of classroom teachers.

2028 (k) At a minimum, provide the parent of each scholarship  
2029 student with a written explanation of the student's progress on  
2030 a quarterly basis.

2031 (l) Cooperate with a student whose parent chooses to  
2032 participate in the statewide assessments pursuant to s. 1008.22.

2033 (m)-(i) Require each employee and contracted personnel with  
2034 direct student contact, upon employment or engagement to provide  
2035 services, to undergo a state and national background screening,

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2036 pursuant to s. 943.0542, by electronically filing with the  
2037 Department of Law Enforcement a complete set of fingerprints  
2038 taken by an authorized law enforcement agency or an employee of  
2039 the private school, a school district, or a private company who  
2040 is trained to take fingerprints and deny employment to or  
2041 terminate an employee if he or she fails to meet the screening  
2042 standards under s. 435.04. Results of the screening shall be  
2043 provided to the participating private school. For purposes of  
2044 this paragraph:

2045 1. An "employee or contracted personnel with direct  
2046 student contact" means any employee or contracted personnel who  
2047 has unsupervised access to a scholarship student for whom the  
2048 private school is responsible.

2049 2. The costs of fingerprinting and the background check  
2050 shall not be borne by the state.

2051 3. Continued employment of an employee or contracted  
2052 personnel after notification that he or she has failed the  
2053 background screening under this paragraph shall cause a private  
2054 school to be ineligible for participation in a scholarship  
2055 program.

2056 4. An employee or contracted personnel holding a valid  
2057 Florida teaching certificate who has been fingerprinted pursuant  
2058 to s. 1012.32 is not required to comply with the provisions of  
2059 this paragraph.

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2060           ~~5.(3)(a)~~ All fingerprints submitted to the Department of  
2061 Law Enforcement as required by this section shall be retained by  
2062 the Department of Law Enforcement in a manner provided by rule  
2063 and entered in the statewide automated biometric identification  
2064 system authorized by s. 943.05(2)(b). Such fingerprints shall  
2065 thereafter be available for all purposes and uses authorized for  
2066 arrest fingerprints entered in the statewide automated biometric  
2067 identification system pursuant to s. 943.051.

2068           ~~6.(b)~~ The Department of Law Enforcement shall search all  
2069 arrest fingerprints received under s. 943.051 against the  
2070 fingerprints retained in the statewide automated biometric  
2071 identification system under subparagraph 5 ~~paragraph (a)~~. Any  
2072 arrest record that is identified with the retained fingerprints  
2073 of a person subject to the background screening under this  
2074 section shall be reported to the employing school with which the  
2075 person is affiliated. Each private school participating in a  
2076 scholarship program is required to participate in this search  
2077 process by informing the Department of Law Enforcement of any  
2078 change in the employment or contractual status of its personnel  
2079 whose fingerprints are retained under subparagraph 5 ~~paragraph~~  
2080 ~~(a)~~. The Department of Law Enforcement shall adopt a rule  
2081 setting the amount of the annual fee to be imposed upon each  
2082 private school for performing these searches and establishing  
2083 the procedures for the retention of private school employee and  
2084 contracted personnel fingerprints and the dissemination of

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2085 search results. The fee may be borne by the private school or  
2086 the person fingerprinted.

2087 7.~~(e)~~ Employees and contracted personnel whose  
2088 fingerprints are not retained by the Department of Law  
2089 Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~  
2090 are required to be refingerprinted and must meet state and  
2091 national background screening requirements upon reemployment or  
2092 reengagement to provide services in order to comply with the  
2093 requirements of this section.

2094 8.~~(d)~~ Every 5 years following employment or engagement to  
2095 provide services with a private school, employees or contracted  
2096 personnel required to be screened under this section must meet  
2097 screening standards under s. 435.04, at which time the private  
2098 school shall request the Department of Law Enforcement to  
2099 forward the fingerprints to the Federal Bureau of Investigation  
2100 for national processing. If the fingerprints of employees or  
2101 contracted personnel are not retained by the Department of Law  
2102 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and  
2103 contracted personnel must electronically file a complete set of  
2104 fingerprints with the Department of Law Enforcement. Upon  
2105 submission of fingerprints for this purpose, the private school  
2106 shall request that the Department of Law Enforcement forward the  
2107 fingerprints to the Federal Bureau of Investigation for national  
2108 processing, and the fingerprints shall be retained by the

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2109 Department of Law Enforcement under subparagraph 5 paragraph  
2110 ~~(a)~~.

2111 ~~(4) A private school that accepts scholarship students~~  
2112 ~~under s. 1002.39 or s. 1002.395 must:~~

2113 ~~(a) Disqualify instructional personnel and school~~  
2114 ~~administrators, as defined in s. 1012.01, from employment in any~~  
2115 ~~position that requires direct contact with students if the~~  
2116 ~~personnel or administrators are ineligible for such employment~~  
2117 ~~under s. 1012.315.~~

2118 (n) ~~(b)~~ Adopt policies establishing standards of ethical  
2119 conduct for instructional personnel and school administrators.  
2120 The policies must require all instructional personnel and school  
2121 administrators, as defined in s. 1012.01, to complete training  
2122 on the standards; establish the duty of instructional personnel  
2123 and school administrators to report, and procedures for  
2124 reporting, alleged misconduct by other instructional personnel  
2125 and school administrators which affects the health, safety, or  
2126 welfare of a student; and include an explanation of the  
2127 liability protections provided under ss. 39.203 and 768.095. A  
2128 private school, or any of its employees, may not enter into a  
2129 confidentiality agreement regarding terminated or dismissed  
2130 instructional personnel or school administrators, or personnel  
2131 or administrators who resign in lieu of termination, based in  
2132 whole or in part on misconduct that affects the health, safety,  
2133 or welfare of a student, and may not provide the instructional

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2134 personnel or school administrators with employment references or  
2135 discuss the personnel's or administrators' performance with  
2136 prospective employers in another educational setting, without  
2137 disclosing the personnel's or administrators' misconduct. Any  
2138 part of an agreement or contract that has the purpose or effect  
2139 of concealing misconduct by instructional personnel or school  
2140 administrators which affects the health, safety, or welfare of a  
2141 student is void, is contrary to public policy, and may not be  
2142 enforced.

2143 (o)~~(e)~~ Before employing instructional personnel or school  
2144 administrators in any position that requires direct contact with  
2145 students, conduct employment history checks of each of the  
2146 personnel's or administrators' previous employers, screen the  
2147 personnel or administrators through use of the educator  
2148 screening tools described in s. 1001.10(5), and document the  
2149 findings. If unable to contact a previous employer, the private  
2150 school must document efforts to contact the employer.

2151 (p) Require each owner or operator of the private school,  
2152 prior to employment or engagement to provide services, to  
2153 undergo level 2 background screening as provided under chapter  
2154 435. For purposes of this paragraph, the term "owner or  
2155 operator" means an owner, operator, superintendent, or principal  
2156 of, or a person with equivalent decisionmaking authority over, a  
2157 private school participating in a scholarship program  
2158 established pursuant to this chapter. The fingerprints for the

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2159 | background screening must be electronically submitted to the  
2160 | Department of Law Enforcement and may be taken by an authorized  
2161 | law enforcement agency or a private company who is trained to  
2162 | take fingerprints. However, the complete set of fingerprints of  
2163 | an owner or operator may not be taken by the owner or operator.  
2164 | The owner or operator shall provide a copy of the results of the  
2165 | state and national criminal history check to the Department of  
2166 | Education. The cost of the background screening may be borne by  
2167 | the owner or operator.

2168 | 1. Every 5 years following employment or engagement to  
2169 | provide services, each owner or operator must meet level 2  
2170 | screening standards as described in s. 435.04, at which time the  
2171 | owner or operator shall request the Department of Law  
2172 | Enforcement to forward the fingerprints to the Federal Bureau of  
2173 | Investigation for level 2 screening. If the fingerprints of an  
2174 | owner or operator are not retained by the Department of Law  
2175 | Enforcement under subparagraph 2., the owner or operator must  
2176 | electronically file a complete set of fingerprints with the  
2177 | Department of Law Enforcement. Upon submission of fingerprints  
2178 | for this purpose, the owner or operator shall request that the  
2179 | Department of Law Enforcement forward the fingerprints to the  
2180 | Federal Bureau of Investigation for level 2 screening, and the  
2181 | fingerprints shall be retained by the Department of Law  
2182 | Enforcement under subparagraph 2.

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2183        2. Fingerprints submitted to the Department of Law  
2184 Enforcement as required by this paragraph must be retained by  
2185 the Department of Law Enforcement in a manner approved by rule  
2186 and entered in the statewide automated biometric identification  
2187 system authorized by s. 943.05(2)(b). The fingerprints must  
2188 thereafter be available for all purposes and uses authorized for  
2189 arrest fingerprints entered in the statewide automated biometric  
2190 identification system pursuant to s. 943.051.

2191        3. The Department of Law Enforcement shall search all  
2192 arrest fingerprints received under s. 943.051 against the  
2193 fingerprints retained in the statewide automated biometric  
2194 identification system under subparagraph 2. Any arrest record  
2195 that is identified with an owner's or operator's fingerprints  
2196 must be reported to the owner or operator, who must report to  
2197 the Department of Education. Any costs associated with the  
2198 search shall be borne by the owner or operator.

2199        4. An owner or operator who fails the level 2 background  
2200 screening is not eligible to participate in a scholarship  
2201 program under this chapter.

2202        5. In addition to the offenses listed in s. 435.04, a  
2203 person required to undergo background screening pursuant to this  
2204 part or authorizing statutes must not have an arrest awaiting  
2205 final disposition for, must not have been found guilty of, or  
2206 entered a plea of nolo contendere to, regardless of  
2207 adjudication, and must not have been adjudicated delinquent for,

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2208 and the record must not have been sealed or expunged for, any of  
2209 the following offenses or any similar offense of another  
2210 jurisdiction:

2211 a. Any authorizing statutes, if the offense was a felony.

2212 b. This chapter, if the offense was a felony.

2213 c. Section 409.920, relating to Medicaid provider fraud.

2214 d. Section 409.9201, relating to Medicaid fraud.

2215 e. Section 741.28, relating to domestic violence.

2216 f. Section 817.034, relating to fraudulent acts through  
2217 mail, wire, radio, electromagnetic, photoelectronic, or  
2218 photooptical systems.

2219 g. Section 817.234, relating to false and fraudulent  
2220 insurance claims.

2221 h. Section 817.505, relating to patient brokering.

2222 i. Section 817.568, relating to criminal use of personal  
2223 identification information.

2224 j. Section 817.60, relating to obtaining a credit card  
2225 through fraudulent means.

2226 k. Section 817.61, relating to fraudulent use of credit  
2227 cards, if the offense was a felony.

2228 l. Section 831.01, relating to forgery.

2229 m. Section 831.02, relating to uttering forged  
2230 instruments.

2231 n. Section 831.07, relating to forging bank bills, checks,  
2232 drafts, or promissory notes.

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2233       o. Section 831.09, relating to uttering forged bank bills,  
2234 checks, drafts, or promissory notes.

2235       p. Section 831.30, relating to fraud in obtaining  
2236 medicinal drugs.

2237       q. Section 831.31, relating to the sale, manufacture,  
2238 delivery, or possession with the intent to sell, manufacture, or  
2239 deliver any counterfeit controlled substance, if the offense was  
2240 a felony.

2241       6. At least 30 calendar days before a transfer of  
2242 ownership of a private school, the owner or operator shall  
2243 notify the parent of each scholarship student.

2244       7. The owner or operator of a private school that has been  
2245 deemed ineligible to participate in a scholarship program  
2246 pursuant to this chapter may not transfer ownership or  
2247 management authority of the school to a relative in order to  
2248 participate in a scholarship program as the same school or a new  
2249 school. For purposes of this subparagraph, the term "relative"  
2250 means father, mother, son, daughter, grandfather, grandmother,  
2251 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
2252 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
2253 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
2254 stepdaughter, stepbrother, stepsister, half-brother, or half-  
2255 sister.

2256       (q) Provide a report from an independent certified public  
2257 accountant who performs the agreed-upon procedures developed

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2258 pursuant to s. 1002.395(6)(o) if the private school receives  
2259 more than \$250,000 in funds from scholarships awarded under this  
2260 chapter in a state fiscal year. A private school subject to this  
2261 subsection must annually submit the report by September 15 to  
2262 the scholarship-funding organization that awarded the majority  
2263 of the school's scholarship funds. However, a school that  
2264 receives more than \$250,000 in scholarship funds only through  
2265 the John M. McKay Scholarship for Students with Disabilities  
2266 Program pursuant to s. 1002.39 must submit the report by  
2267 September 15 to the department. The agreed-upon procedures must  
2268 be conducted in accordance with attestation standards  
2269 established by the American Institute of Certified Public  
2270 Accountants.

2271  
2272 The department shall suspend the payment of funds ~~under ss.~~  
2273 ~~1002.39 and 1002.395~~ to a private school that knowingly fails to  
2274 comply with this subsection, and shall prohibit the school from  
2275 enrolling new scholarship students, for 1 fiscal year and until  
2276 the school complies.

2277 ~~(5)~~ If The inability of a private school fails to meet the  
2278 requirements of this subsection or has consecutive years of  
2279 material exceptions listed in the report required under  
2280 paragraph (q), the commissioner may determine that the private  
2281 school is ineligible ~~section shall constitute a basis for the~~

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2282 ~~ineligibility of the private school to participate in a~~  
2283 ~~scholarship program as determined by the department.~~

2284 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

2285 (a) The Department of Education shall:

2286 1. Annually verify the eligibility of private schools that  
2287 meet the requirements of this section, specific requirements  
2288 identified within respective scholarship program laws, and other  
2289 provisions of state law that apply to private schools.

2290 2. Establish a toll-free hotline that provides parents and  
2291 private schools with information on participation in the  
2292 scholarship programs.

2293 3. Establish a process by which individuals may notify the  
2294 department of any violation by a parent, private school, or  
2295 school district of state laws relating to program participation.  
2296 If the department has reasonable cause to believe that a  
2297 violation of this section or any rule adopted by the State Board  
2298 of Education has occurred, it shall conduct an inquiry or make a  
2299 referral to the appropriate agency for an investigation. A  
2300 department inquiry is not subject to the requirements of chapter  
2301 120.

2302 4. Require an annual, notarized, sworn compliance  
2303 statement from participating private schools certifying  
2304 compliance with state laws, and retain such records.

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2305 5. Coordinate with the entities conducting the health  
2306 inspection for a private school to obtain copies of the  
2307 inspection reports.

2308 6. Conduct site visits to private schools entering a  
2309 scholarship program for the first time. Beginning with the 2019-  
2310 2020 school year, a private school is not eligible to receive  
2311 scholarship payments until a satisfactory site visit has been  
2312 conducted and the school is in compliance with all other  
2313 requirements of this section.

2314 7. Coordinate with the State Fire Marshal to obtain access  
2315 to fire inspection reports for private schools. The authority  
2316 conducting the fire safety inspection shall certify to the State  
2317 Fire Marshal that the annual inspection has been completed and  
2318 that the school is in full compliance. The certification shall  
2319 be made electronically or by such other means as directed by the  
2320 State Fire Marshal.

2321 8. Upon the request of a participating private school  
2322 authorized to administer statewide assessments, provide at no  
2323 cost to the school the statewide assessments administered under  
2324 s. 1008.22 and any related materials for administering the  
2325 assessments. Students at a private school may be assessed using  
2326 the statewide assessments if the addition of those students and  
2327 the school does not cause the state to exceed its contractual  
2328 caps for the number of students tested and the number of testing  
2329 sites. The state shall provide the same materials and support to

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2330 a private school that it provides to a public school. A private  
2331 school that chooses to administer statewide assessments under s.  
2332 1008.22 shall follow the requirements set forth in ss. 1008.22  
2333 and 1008.24, rules adopted by the State Board of Education to  
2334 implement those sections, and district-level testing policies  
2335 established by the district school board.

2336 (b) The department may conduct site visits to any private  
2337 school participating in a scholarship program pursuant to this  
2338 chapter that has received a complaint about a violation of state  
2339 law or state board rule pursuant to subparagraph (a)3. or has  
2340 received a notice of noncompliance or a notice of proposed  
2341 action within the previous 2 years.

2342 (c) Annually, by December 15, the department shall report  
2343 to the Governor, the President of the Senate, and the Speaker of  
2344 the House of Representatives its actions in implementing  
2345 accountability in the scholarship programs under this section,  
2346 any substantiated allegations or violations of law or rule by an  
2347 eligible private school under this section, and the corrective  
2348 action taken.

2349 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-  
2350 The Commissioner of Education:

2351 (a) Shall deny, suspend, or revoke a private school's  
2352 participation in a scholarship program if it is determined that  
2353 the private school has failed to comply with this section or  
2354 exhibits a previous pattern of failure to comply. However, if

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2355 the noncompliance is correctable within a reasonable amount of  
2356 time, not to exceed 45 days, and if the health, safety, or  
2357 welfare of the students is not threatened, the commissioner may  
2358 issue a notice of noncompliance which provides the private  
2359 school with a timeframe within which to provide evidence of  
2360 compliance before taking action to suspend or revoke the private  
2361 school's participation in the scholarship program.

2362 (b) May deny, suspend, or revoke a private school's  
2363 participation in a scholarship program if the commissioner  
2364 determines that an owner or operator of the private school is  
2365 operating or has operated an educational institution in this  
2366 state or in another state or jurisdiction in a manner contrary  
2367 to the health, safety, or welfare of the public or if the owner  
2368 or operator has exhibited a previous pattern of failure to  
2369 comply with this section or specific requirements identified  
2370 within respective scholarship program laws. For purposes of this  
2371 subsection, the term "owner or operator" has the same meaning as  
2372 provided in paragraph (1) (p).

2373 (c)1. In making such a determination, may consider factors  
2374 that include, but are not limited to, acts or omissions by an  
2375 owner or operator which led to a previous denial, suspension, or  
2376 revocation of participation in a state or federal education  
2377 scholarship program; an owner's or operator's failure to  
2378 reimburse the department or scholarship-funding organization for  
2379 scholarship funds improperly received or retained by a school;

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2380 the imposition of a prior criminal sanction related to an  
2381 owner's or operator's management or operation of an educational  
2382 institution; the imposition of a civil fine or administrative  
2383 fine, license revocation or suspension, or program eligibility  
2384 suspension, termination, or revocation related to an owner's or  
2385 operator's management or operation of an educational  
2386 institution; or other types of criminal proceedings in which an  
2387 owner or operator was found guilty of, regardless of  
2388 adjudication, or entered a plea of nolo contendere or guilty to,  
2389 any offense involving fraud, deceit, dishonesty, or moral  
2390 turpitude.

2391 2. The commissioner's determination is subject to the  
2392 following:

2393 a. If the commissioner intends to deny, suspend, or revoke  
2394 a private school's participation in the scholarship program, the  
2395 department shall notify the private school of such proposed  
2396 action in writing by certified mail and regular mail to the  
2397 private school's address of record with the department. The  
2398 notification shall include the reasons for the proposed action  
2399 and notice of the timelines and procedures set forth in this  
2400 paragraph.

2401 b. The private school that is adversely affected by the  
2402 proposed action shall have 15 days after receipt of the notice  
2403 of proposed action to file with the department's agency clerk a  
2404 request for a proceeding pursuant to ss. 120.569 and 120.57. If

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2405 the private school is entitled to a hearing under s. 120.57(1),  
2406 the department shall forward the request to the Division of  
2407 Administrative Hearings.

2408 c. Upon receipt of a request referred pursuant to this  
2409 subparagraph, the director of the Division of Administrative  
2410 Hearings shall expedite the hearing and assign an administrative  
2411 law judge who shall commence a hearing within 30 days after the  
2412 receipt of the formal written request by the division and enter  
2413 a recommended order within 30 days after the hearing or within  
2414 30 days after receipt of the hearing transcript, whichever is  
2415 later. Each party shall be allowed 10 days in which to submit  
2416 written exceptions to the recommended order. A final order shall  
2417 be entered by the agency within 30 days after the entry of a  
2418 recommended order. The provisions of this sub-subparagraph may  
2419 be waived upon stipulation by all parties.

2420 (d) May immediately suspend payment of scholarship funds  
2421 if it is determined that there is probable cause to believe that  
2422 there is:

2423 1. An imminent threat to the health, safety, or welfare of  
2424 the students;

2425 2. A previous pattern of failure to comply with this  
2426 section; or

2427 3. Fraudulent activity on the part of the private school.  
2428 Notwithstanding s. 1002.22, in incidents of alleged fraudulent  
2429 activity pursuant to this section, the department's Office of

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2430 Inspector General is authorized to release personally  
2431 identifiable records or reports of students to the following  
2432 persons or organizations:

2433 a. A court of competent jurisdiction in compliance with an  
2434 order of that court or the attorney of record in accordance with  
2435 a lawfully issued subpoena, consistent with the Family  
2436 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

2437 b. A person or entity authorized by a court of competent  
2438 jurisdiction in compliance with an order of that court or the  
2439 attorney of record pursuant to a lawfully issued subpoena,  
2440 consistent with the Family Educational Rights and Privacy Act,  
2441 20 U.S.C. s. 1232g.

2442 c. Any person, entity, or authority issuing a subpoena for  
2443 law enforcement purposes when the court or other issuing agency  
2444 has ordered that the existence or the contents of the subpoena  
2445 or the information furnished in response to the subpoena not be  
2446 disclosed, consistent with the Family Educational Rights and  
2447 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

2448  
2449 The commissioner's order suspending payment pursuant to this  
2450 paragraph may be appealed pursuant to the same procedures and  
2451 timelines as the notice of proposed action set forth in  
2452 subparagraph (c)2.

2453 (4)-(6) The inclusion of eligible private schools within  
2454 options available to Florida public school students does not

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2455 expand the regulatory authority of the state, its officers, or  
2456 any school district to impose any additional regulation of  
2457 private schools beyond those reasonably necessary to enforce  
2458 requirements expressly set forth in this section.

2459 (5)(7) The State Board of Education shall adopt rules  
2460 pursuant to ss. 120.536(1) and 120.54 to administer this  
2461 section, including rules to establish a deadline for private  
2462 school applications for participation and timelines for the  
2463 department to conduct site visits.

2464 Section 26. Subsection (2) of section 1003.42, Florida  
2465 Statutes, is amended to read:

2466 1003.42 Required instruction.—

2467 (2) Members of the instructional staff of the public  
2468 schools, subject to the rules of the State Board of Education  
2469 and the district school board, shall teach efficiently and  
2470 faithfully, using the books and materials required that meet the  
2471 highest standards for professionalism and historical accuracy,  
2472 following the prescribed courses of study, and employing  
2473 approved methods of instruction, the following:

2474 (a) The history and content of the Declaration of  
2475 Independence, including national sovereignty, natural law, self-  
2476 evident truth, equality of all persons, limited government,  
2477 popular sovereignty, and inalienable rights of life, liberty,  
2478 and property, and how they form the philosophical foundation of  
2479 our government.

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2480 (b) The history, meaning, significance, and effect of the  
2481 provisions of the Constitution of the United States and  
2482 amendments thereto, with emphasis on each of the 10 amendments  
2483 that make up the Bill of Rights and how the constitution  
2484 provides the structure of our government.

2485 (c) The arguments in support of adopting our republican  
2486 form of government, as they are embodied in the most important  
2487 of the Federalist Papers.

2488 (d) Flag education, including proper flag display and flag  
2489 salute.

2490 (e) The elements of civil government, including the  
2491 primary functions of and interrelationships between the Federal  
2492 Government, the state, and its counties, municipalities, school  
2493 districts, and special districts.

2494 (f) The history of the United States, including the period  
2495 of discovery, early colonies, the War for Independence, the  
2496 Civil War, the expansion of the United States to its present  
2497 boundaries, the world wars, and the civil rights movement to the  
2498 present. American history shall be viewed as factual, not as  
2499 constructed, shall be viewed as knowable, teachable, and  
2500 testable, and shall be defined as the creation of a new nation  
2501 based largely on the universal principles stated in the  
2502 Declaration of Independence.

2503 (g) The history of the Holocaust (1933-1945), the  
2504 systematic, planned annihilation of European Jews and other

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2505 groups by Nazi Germany, a watershed event in the history of  
2506 humanity, to be taught in a manner that leads to an  
2507 investigation of human behavior, an understanding of the  
2508 ramifications of prejudice, racism, and stereotyping, and an  
2509 examination of what it means to be a responsible and respectful  
2510 person, for the purposes of encouraging tolerance of diversity  
2511 in a pluralistic society and for nurturing and protecting  
2512 democratic values and institutions.

2513 (h) The history of African Americans, including the  
2514 history of African peoples before the political conflicts that  
2515 led to the development of slavery, the passage to America, the  
2516 enslavement experience, abolition, and the contributions of  
2517 African Americans to society. Instructional materials shall  
2518 include the contributions of African Americans to American  
2519 society.

2520 (i) The elementary principles of agriculture.

2521 (j) The true effects of all alcoholic and intoxicating  
2522 liquors and beverages and narcotics upon the human body and  
2523 mind.

2524 (k) Kindness to animals.

2525 (l) The history of the state.

2526 (m) The conservation of natural resources.

2527 (n) Comprehensive health education that addresses concepts  
2528 of community health; consumer health; environmental health;  
2529 family life, including an awareness of the benefits of sexual

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2530 abstinence as the expected standard and the consequences of  
2531 teenage pregnancy; mental and emotional health; injury  
2532 prevention and safety; Internet safety; nutrition; personal  
2533 health; prevention and control of disease; and substance use and  
2534 abuse. The health education curriculum for students in grades 7  
2535 through 12 shall include a teen dating violence and abuse  
2536 component that includes, but is not limited to, the definition  
2537 of dating violence and abuse, the warning signs of dating  
2538 violence and abusive behavior, the characteristics of healthy  
2539 relationships, measures to prevent and stop dating violence and  
2540 abuse, and community resources available to victims of dating  
2541 violence and abuse.

2542 (o) Such additional materials, subjects, courses, or  
2543 fields in such grades as are prescribed by law or by rules of  
2544 the State Board of Education and the district school board in  
2545 fulfilling the requirements of law.

2546 (p) The study of Hispanic contributions to the United  
2547 States.

2548 (q) The study of women's contributions to the United  
2549 States.

2550 (r) The nature and importance of free enterprise to the  
2551 United States economy.

2552 (s) A character-development program in the elementary  
2553 schools, similar to Character First or Character Counts, which  
2554 is secular in nature. Beginning in school year 2004-2005, the

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2555 character-development program shall be required in kindergarten  
2556 through grade 12. Each district school board shall develop or  
2557 adopt a curriculum for the character-development program that  
2558 shall be submitted to the department for approval. The  
2559 character-development curriculum shall stress the qualities of  
2560 patriotism; responsibility; citizenship; kindness; respect for  
2561 authority, life, liberty, and personal property; honesty;  
2562 charity; self-control; racial, ethnic, and religious tolerance;  
2563 and cooperation. The character-development curriculum for grades  
2564 9 through 12 shall, at a minimum, include instruction on  
2565 developing leadership skills, interpersonal skills, organization  
2566 skills, and research skills; creating a resume; developing and  
2567 practicing the skills necessary for employment interviews;  
2568 conflict resolution, workplace ethics, and workplace law;  
2569 managing stress and expectations; and developing skills that  
2570 enable students to become more resilient and self-motivated.

2571 (t) In order to encourage patriotism, the sacrifices that  
2572 veterans and Medal of Honor recipients have made in serving our  
2573 country and protecting democratic values worldwide. Such  
2574 instruction must occur on or before Medal of Honor Day,  
2575 Veterans' Day, and Memorial Day. Members of the instructional  
2576 staff are encouraged to use the assistance of local veterans and  
2577 Medal of Honor recipients when practicable.

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2579 The State Board of Education is encouraged to adopt standards  
2580 and pursue assessment of the requirements of this subsection. A  
2581 character development program that incorporates the values of  
2582 the recipients of the Congressional Medal of Honor and that is  
2583 offered as part of a social studies, English Language Arts, or  
2584 other schoolwide character building and veteran awareness  
2585 initiative meets the requirements of paragraphs (s) and (t).

2586 Section 27. Section 1003.576, Florida Statutes, is amended  
2587 to read:

2588 1003.576 Individual education plans for exceptional  
2589 students.—The Department of Education must develop and have an  
2590 operating electronic IEP system in place for ~~potential~~ statewide  
2591 use ~~no later than July 1, 2007~~. The statewide system shall be  
2592 developed collaboratively with school districts and must include  
2593 input from school districts currently developing or operating  
2594 electronic IEP systems.

2595 Section 28. Subsection (6) of section 1006.07, Florida  
2596 Statutes, is amended to read:

2597 1006.07 District school board duties relating to student  
2598 discipline and school safety.—The district school board shall  
2599 provide for the proper accounting for all students, for the  
2600 attendance and control of students at school, and for proper  
2601 attention to health, safety, and other matters relating to the  
2602 welfare of students, including:

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2603 (6) SAFETY AND SECURITY BEST PRACTICES.—Each school  
2604 district shall ~~Use the Safety and Security Best Practices~~  
2605 ~~developed by the Office of Program Policy Analysis and~~  
2606 ~~Government Accountability to~~ conduct a security risk assessment  
2607 at each public school and conduct a self-assessment of the  
2608 school districts' current safety and security practices using a  
2609 format prescribed by the department. Based on these assessment  
2610 ~~self-assessment~~ findings, the district school superintendent  
2611 shall provide recommendations to the district school board which  
2612 identify strategies and activities that the district school  
2613 board should implement in order to improve school safety and  
2614 security. Annually, each district school board must receive such  
2615 findings and the superintendent's recommendations ~~the self-~~  
2616 ~~assessment results~~ at a publicly noticed district school board  
2617 meeting to provide the public an opportunity to hear the  
2618 district school board members discuss and take action on the  
2619 ~~report~~ findings and recommendations. Each district school  
2620 superintendent shall report such findings ~~the self-assessment~~  
2621 ~~results~~ and school board action to the commissioner within 30  
2622 days after the district school board meeting.

2623 Section 29. Subsection (13) and paragraph (b) of  
2624 subsection (24) of section 1007.271, Florida Statutes, are  
2625 amended to read:

2626 1007.271 Dual enrollment programs.—

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2627 (13) (a) The dual enrollment program for a home education  
2628 student, including, but not limited to, students with  
2629 disabilities, consists of the enrollment of an eligible home  
2630 education secondary student in a postsecondary course creditable  
2631 toward an associate degree, a career certificate, or a  
2632 baccalaureate degree. To participate in the dual enrollment  
2633 program, an eligible home education secondary student must:

2634 1. Provide proof of enrollment in a home education program  
2635 pursuant to s. 1002.41.

2636 2. Be responsible for his or her own ~~instructional~~  
2637 ~~materials and~~ transportation unless provided for in the  
2638 articulation agreement.

2639 3. Sign a home education articulation agreement pursuant  
2640 to paragraph (b).

2641 (b) Each postsecondary institution eligible to participate  
2642 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
2643 enter into a home education articulation agreement with each  
2644 home education student seeking enrollment in a dual enrollment  
2645 course and the student's parent. By August 1 of each year, the  
2646 eligible postsecondary institution shall complete and submit the  
2647 home education articulation agreement to the Department of  
2648 Education. The home education articulation agreement must  
2649 include, at a minimum:

2650 1. A delineation of courses and programs available to  
2651 dually enrolled home education students. Courses and programs

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2652 | may be added, revised, or deleted at any time by the  
2653 | postsecondary institution.

2654 |         2. The initial and continued eligibility requirements for  
2655 | home education student participation, not to exceed those  
2656 | required of other dually enrolled students.

2657 |         3. The student's responsibilities for providing his or her  
2658 | own ~~instructional materials and~~ transportation.

2659 |         4. A copy of the statement on transfer guarantees  
2660 | developed by the Department of Education under subsection (15).

2661 |         (24)

2662 |         (b) Each postsecondary institution eligible to participate  
2663 | in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
2664 | enter into a private school articulation agreement with each  
2665 | eligible private school in its geographic service area seeking  
2666 | to offer dual enrollment courses to its students, including, but  
2667 | not limited to, students with disabilities. By August 1 of each  
2668 | year, the eligible postsecondary institution shall complete and  
2669 | submit the private school articulation agreement to the  
2670 | Department of Education. The private school articulation  
2671 | agreement must include, at a minimum:

2672 |             1. A delineation of courses and programs available to the  
2673 | private school student. The postsecondary institution may add,  
2674 | revise, or delete courses and programs at any time.

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2675           2. The initial and continued eligibility requirements for  
2676 private school student participation, not to exceed those  
2677 required of other dual enrollment students.

2678           3. The student's responsibilities for providing his or her  
2679 own instructional materials and transportation.

2680           4. A provision clarifying that the private school will  
2681 award appropriate credit toward high school completion for the  
2682 postsecondary course under the dual enrollment program.

2683           5. A provision expressing that costs associated with  
2684 tuition and fees, including registration, and laboratory fees,  
2685 will not be passed along to the student.

2686           ~~6. A provision stating whether the private school will  
2687 compensate the postsecondary institution for the standard  
2688 tuition rate per credit hour for each dual enrollment course  
2689 taken by its students.~~

2690           Section 30. Paragraphs (a) and (d) of subsection (3) and  
2691 paragraph (a) of subsection (8) of section 1008.22, Florida  
2692 Statutes, are amended to read:

2693           1008.22 Student assessment program for public schools.—

2694           (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
2695 Commissioner of Education shall design and implement a  
2696 statewide, standardized assessment program aligned to the core  
2697 curricular content established in the Next Generation Sunshine  
2698 State Standards. The commissioner also must develop or select  
2699 and implement a common battery of assessment tools that will be

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2700 used in all juvenile justice education programs in the state.  
2701 These tools must accurately measure the core curricular content  
2702 established in the Next Generation Sunshine State Standards.  
2703 Participation in the assessment program is mandatory for all  
2704 school districts and all students attending public schools,  
2705 including adult students seeking a standard high school diploma  
2706 under s. 1003.4282 and students in Department of Juvenile  
2707 Justice education programs, except as otherwise provided by law.  
2708 If a student does not participate in the assessment program, the  
2709 school district must notify the student's parent and provide the  
2710 parent with information regarding the implications of such  
2711 nonparticipation. The statewide, standardized assessment program  
2712 shall be designed and implemented as follows:

2713 (a) Statewide, standardized comprehensive assessments.—The  
2714 statewide, standardized Reading assessment shall be administered  
2715 annually in grades 3 through 10. The statewide, standardized  
2716 Writing assessment shall be administered annually at least once  
2717 at the elementary, middle, and high school levels. When the  
2718 Reading and Writing assessments are replaced by English Language  
2719 Arts (ELA) assessments, ELA assessments shall be administered to  
2720 students in grades 3 through 10. Retake opportunities for the  
2721 grade 10 Reading assessment or, upon implementation, the grade  
2722 10 ELA assessment must be provided. Students taking the ELA  
2723 assessments shall not take the statewide, standardized  
2724 assessments in Reading or Writing. Reading passages and writing

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2725 | prompts for ELA assessments shall incorporate grade-level core  
2726 | curricula content from social studies ~~be administered online.~~  
2727 | The statewide, standardized Mathematics assessments shall be  
2728 | administered annually in grades 3 through 8. Students taking a  
2729 | revised Mathematics assessment shall not take the discontinued  
2730 | assessment. The statewide, standardized Science assessment shall  
2731 | be administered annually at least once at the elementary and  
2732 | middle grades levels. In order to earn a standard high school  
2733 | diploma, a student who has not earned a passing score on the  
2734 | grade 10 Reading assessment or, upon implementation, the grade  
2735 | 10 ELA assessment must earn a passing score on the assessment  
2736 | retake or earn a concordant score as authorized under subsection  
2737 | (9).

2738 | (d) Implementation schedule.—

2739 | 1. The Commissioner of Education shall establish and  
2740 | publish on the department's website an implementation schedule  
2741 | to transition from the statewide, standardized Reading and  
2742 | Writing assessments to the ELA assessments and to the revised  
2743 | Mathematics assessments, including the Algebra I and Geometry  
2744 | EOC assessments. The schedule must take into consideration  
2745 | funding, sufficient field and baseline data, access to  
2746 | assessments, instructional alignment, and school district  
2747 | readiness to administer the assessments online. All such  
2748 | assessments must be delivered through computer-based testing,  
2749 | ~~however, the following assessments must be delivered in a~~

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2750 ~~computer-based format, as follows: the grade 3 Mathematics~~  
2751 ~~assessment beginning in the 2016-2017 school year; the grade 4~~  
2752 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~  
2753 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~  
2754 ~~school year.~~ Notwithstanding the requirements of this  
2755 subparagraph, statewide, standardized ELA and mathematics  
2756 assessments in grades 3 through 6 must be delivered only in a  
2757 paper-based format, ~~beginning with the 2017-2018 school year,~~  
2758 ~~and all such assessments must be paper-based~~ no later than the  
2759 2018-2019 school year, and statewide, standardized ELA and  
2760 mathematics assessments in grades 7 and 8 must be delivered only  
2761 in a paper-based format no later than the 2019-2020 school year.

2762 2. The Department of Education shall publish minimum and  
2763 recommended technology requirements that include specifications  
2764 for hardware, software, networking, security, and broadband  
2765 capacity to facilitate school district compliance with the  
2766 requirements of this section.

2767 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in  
2768 the statewide assessment program, in any procurement for the ELA  
2769 assessment in grades 3 through 10 and the mathematics assessment  
2770 in grades 3 through 8, the Department of Education shall solicit  
2771 cost proposals for publication of the state assessments on its  
2772 website in accordance with this subsection.

2773 (a) The department shall publish each assessment  
2774 administered under paragraph (3) (a) and subparagraph (3) (b) 1.,

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2775 | excluding assessment retakes, at least once on a triennial basis  
2776 | pursuant to a schedule determined by the Commissioner of  
2777 | Education. Each assessment, when published, must have been  
2778 | administered during the most recent school year and be in a  
2779 | format that facilitates the sharing of assessment items.

2780 | Section 31. Subsection (2) of section 1010.20, Florida  
2781 | Statutes, is amended to read:

2782 | 1010.20 Cost accounting and reporting for school  
2783 | districts.—

2784 | (2) COST REPORTING.—

2785 | (a) Each district shall report on a district-aggregate  
2786 | basis expenditures for inservice training pursuant to s.  
2787 | 1011.62(3) and for categorical programs as provided in s.  
2788 | 1011.62(6).

2789 | (b) Each district shall report to the department on a  
2790 | school-by-school and on an aggregate district basis expenditures  
2791 | for:

2792 | 1. Each program funded in s. 1011.62(1)(c).

2793 | 2. Total operating costs as reported pursuant to s.  
2794 | 1010.215.

2795 | 3. Expenditures for classroom instruction pursuant to the  
2796 | calculation in s. 1010.215(4)(b)1. and 2.

2797 | (c) The department shall:

2798 | 1. Categorize all public schools and public school  
2799 | districts into appropriate groups based primarily on average

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2800 full-time equivalent student enrollment as reported on the most  
2801 recent student membership survey under s. 1011.62 and in state  
2802 board rule to determine groups of peer schools and districts.

2803 2. Annually calculate for each public school, public  
2804 school district, and the entire state the percentage of  
2805 classroom expenditures to total operating expenditures reported  
2806 in subparagraphs (b)2. and 3. The results shall be categorized  
2807 pursuant to this paragraph.

2808 3. Annually calculate for all public schools, public  
2809 school districts, and the state the average percentage of  
2810 classroom expenditures to total operating expenditures reported  
2811 in subparagraphs (b)2. and 3. The results shall be categorized  
2812 pursuant to this paragraph.

2813 4. Develop a web-based fiscal transparency tool that  
2814 identifies public schools and public school districts that  
2815 produce high academic achievement based on the ratio of  
2816 classroom instruction expenditures to total expenditures. The  
2817 fiscal transparency tool shall combine the data calculated  
2818 pursuant to this paragraph with the student performance  
2819 measurements calculated pursuant to s. 1012.34(7) to determine  
2820 the financial efficiency of each public school and public school  
2821 district. The results shall be displayed in an easy-to-use  
2822 format that enables the user to compare performance among public  
2823 schools and public school districts.

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2824           ~~(d)-(e)~~ The Commissioner of Education shall present to the  
2825 Legislature, prior to the opening of the regular session each  
2826 year, a district-by-district report of the expenditures reported  
2827 pursuant to paragraphs (a) and (b). The report shall include  
2828 total expenditures, a detailed analysis showing expenditures for  
2829 each program, and such other data as may be useful for  
2830 management of the education system. The Commissioner of  
2831 Education shall also compute cost factors relative to the base  
2832 student allocation for each funded program in s. 1011.62(1)(c).

2833           Section 32. Subsection (2) of section 1010.30, Florida  
2834 Statutes, is amended to read:

2835           1010.30 Audits required.—

2836           (2) If an audit contains a significant deficiency or  
2837 material weakness finding, the district school board, the  
2838 Florida College System institution board of trustees, or the  
2839 university board of trustees shall conduct an audit overview  
2840 during a public meeting. The audit overview shall describe the  
2841 corrective action to be taken and a timeline for completion of  
2842 such action.

2843           Section 33. Paragraph (a) of subsection (3) of section  
2844 1011.01, Florida Statutes, is amended to read:

2845           1011.01 Budget system established.—

2846           (3)(a) Each district school board and each Florida College  
2847 System institution board of trustees shall prepare, adopt, and  
2848 submit to the Commissioner of Education an annual operating

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2849 budget. Operating budgets shall be prepared and submitted in  
2850 accordance with the provisions of law, rules of the State Board  
2851 of Education, the General Appropriations Act, and for district  
2852 school boards in accordance with the provisions of s. 200.065  
2853 ~~ss. 200.065 and 1011.64.~~

2854 Section 34. Subsection (2) of section 1011.03, Florida  
2855 Statutes, is amended to read:

2856 1011.03 Public hearings; budget to be submitted to  
2857 Department of Education.—

2858 ~~(2) The advertisement of a district that has been required~~  
2859 ~~by the Legislature to increase classroom expenditures pursuant~~  
2860 ~~to s. 1011.64 must include the following statement:~~

2861 ~~"This proposed budget reflects an increase in classroom~~  
2862 ~~expenditures as a percent of total current operating~~  
2863 ~~expenditures of XX percent over the (previous fiscal year)~~  
2864 ~~fiscal year. This increase in classroom expenditures is required~~  
2865 ~~by the Legislature because the district has performed below the~~  
2866 ~~required performance standard on XX of XX student performance~~  
2867 ~~standards for the (previous school year) school year. In order~~  
2868 ~~to achieve the legislatively required level of classroom~~  
2869 ~~expenditures as a percentage of total operating expenditures,~~  
2870 ~~the proposed budget includes an increase in overall classroom~~  
2871 ~~expenditures of \$XX,XXX,XXX above the amount spent for this same~~  
2872 ~~purpose during the (previous fiscal year) fiscal year. In order~~  
2873 ~~to achieve improved student academic performance, this proposed~~

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2874 ~~increase is being budgeted for the following activities:~~  
2875 ~~...(list activities and amount budgeted)...."~~

2876 Section 35. Subsection (2) of section 1011.035, Florida  
2877 Statutes, is amended to read:

2878 1011.035 School district fiscal budget transparency.-

2879 (2) Each district school board shall post on its website a  
2880 plain language version of each proposed, tentative, and official  
2881 budget which describes each budget item in terms that are easily  
2882 understandable to the public and includes:

2883 (a) Graphical representations, for each public school  
2884 within the district and for the school district, of the  
2885 following:

2886 1. Summary financial efficiency data.

2887 2. Fiscal trend information for the previous 3 years on:

2888 a. The ratio of full-time equivalent students to full-time  
2889 equivalent instructional personnel.

2890 b. The ratio of full-time equivalent students to full-time  
2891 equivalent administrative personnel.

2892 c. The total operating expenditures per full-time  
2893 equivalent student.

2894 d. The total instructional expenditures per full-time  
2895 equivalent student.

2896 e. The general administrative expenditures as a percentage  
2897 of the total budget.

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2898        f. The rate of change in the general fund's ending fund  
2899 balance which is not classified as restricted.

2900        (b) A link to the web-based fiscal transparency tool  
2901 developed by the department pursuant to s. 1010.20 to enable  
2902 taxpayers to evaluate the financial efficiency of the school  
2903 district and compare the financial efficiency of the school  
2904 district with other similarly situated school districts.

2905  
2906 This information must be prominently posted on the school  
2907 district's website in a manner that is readily accessible to the  
2908 public.

2909        Section 36. Subsections (1) and (2) of section 1011.051,  
2910 Florida Statutes, are amended to read:

2911        1011.051 Guidelines for general funds.—The district school  
2912 board shall maintain a general fund ending fund balance that is  
2913 sufficient to address normal contingencies.

2914        (1) If at any time the portion of the general fund's  
2915 ending fund balance not classified as restricted, committed, or  
2916 nonspendable in the district's approved operating budget is  
2917 projected to fall below 3 percent of projected general fund  
2918 revenues during the current fiscal year, the superintendent  
2919 shall provide written notification to the district school board  
2920 and the Commissioner of Education. If such financial condition  
2921 exists for 2 consecutive fiscal years, the superintendent shall  
2922 reduce the district's administrative expenditures reported

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2923 pursuant to s. 1010.215(4) (a) in proportion to the reduction in  
2924 the general fund's ending balance or the reduction in student  
2925 enrollment, whichever is greater.

2926 (2)(a) If at any time the portion of the general fund's  
2927 ending fund balance not classified as restricted, committed, or  
2928 nonspendable in the district's approved operating budget is  
2929 projected to fall below 2 percent of projected general fund  
2930 revenues during the current fiscal year, the superintendent  
2931 shall provide written notification to the district school board  
2932 and the Commissioner of Education. Within 14 days after  
2933 receiving such notification, if the commissioner determines that  
2934 the district does not have a plan that is reasonably anticipated  
2935 to avoid a financial emergency as determined pursuant to s.  
2936 218.503, the commissioner shall appoint a financial emergency  
2937 board that shall operate under the requirements, powers, and  
2938 duties specified in s. 218.503(3) (g).

2939 (b) If any of the conditions identified in s. 218.503(1)  
2940 existed in the 2015-2016 school year or thereafter, the  
2941 department shall contract with an independent third party to  
2942 conduct an investigation of all accounts and records to  
2943 determine the cause of the deficit; what efforts, if any, were  
2944 made to avoid the deficit; and whether any of the conditions  
2945 identified in s. 1011.10 have occurred. The investigation must  
2946 include a detailed review and analysis of documents and records,  
2947 including, but not limited to, budget reports, journal entries,

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2948 budget methodologies, staff emails, hard copy records, monthly  
2949 financial statements, quarterly revenue and expenditure reports,  
2950 finance staff job descriptions, and minutes from meetings. The  
2951 results of the investigation must include recommendations for  
2952 corrective action and controls to avoid a reoccurrence of a  
2953 future budget shortfall. A final report shall be provided to the  
2954 district school board, the department, the Legislative Auditing  
2955 Committee, and the district's financial emergency board, if  
2956 applicable.

2957 Section 37. Subsection (2) of section 1011.06, Florida  
2958 Statutes, is amended to read:

2959 1011.06 Expenditures.—

2960 (2) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.—

2961 Expenditures from district and all other funds available for the  
2962 public school program of any district shall be authorized by law  
2963 and must be in accordance with procedures prescribed by the  
2964 district school board. A district school board may establish  
2965 policies that allow expenditures to exceed the amount budgeted  
2966 by function and object, provided that the district school board  
2967 complies with s. 1011.09(4) and approves the expenditure by  
2968 amending ~~and amends~~ the budget at the next scheduled public  
2969 meeting. The district school board must provide a full  
2970 explanation of any amendments at the public meeting ~~within~~  
2971 timelines established by school board policies.

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2972 Section 38. Subsection (4) of section 1011.09, Florida  
2973 Statutes, is amended to read:

2974 1011.09 Expenditure of funds by district school board.—All  
2975 state funds apportioned to the credit of any district constitute  
2976 a part of the district school fund of that district and must be  
2977 budgeted and expended under authority of the district school  
2978 board subject to the provisions of law and rules of the State  
2979 Board of Education.

2980 (4) If the financial conditions in s. 1011.051 exist, a  
2981 district school board ~~During the 2009-2010 fiscal year, unless~~  
2982 ~~otherwise specifically approved by the district school board,~~  
2983 ~~public funds may not make expenditures be expended for out-of-~~  
2984 ~~state travel~~ outside of the district or cellular phones,  
2985 cellular phone service, personal digital assistants, or any  
2986 other mobile wireless communication device or service, including  
2987 text messaging, whether through purchasing, leasing,  
2988 contracting, or any other method, while the financial conditions  
2989 exist. The expenditure of public funds for art programs, music  
2990 programs, sports programs, and extracurricular programs for  
2991 students is a higher priority than expending funds for employee  
2992 travel and cellular phones.

2993 Section 39. Subsection (3) is added to section 1011.10,  
2994 Florida Statutes, to read:

2995 1011.10 Penalty.—

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2996           (3) If any of the conditions identified in s. 218.503(1)  
2997 exist within a school district, the salary of each district  
2998 school board member and district school superintendent,  
2999 calculated pursuant to ss. 1001.395 and 1001.47, shall be  
3000 withheld until the conditions are corrected.

3001           Section 40. Subsection (8) of section 1011.60, Florida  
3002 Statutes, is amended to read:

3003           1011.60 Minimum requirements of the Florida Education  
3004 Finance Program.—Each district which participates in the state  
3005 appropriations for the Florida Education Finance Program shall  
3006 provide evidence of its effort to maintain an adequate school  
3007 program throughout the district and shall meet at least the  
3008 following requirements:

3009           ~~(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS.—Comply~~  
3010 ~~with the minimum classroom expenditure requirements and~~  
3011 ~~associated reporting pursuant to s. 1011.64.~~

3012           Section 41. Paragraphs (f), (o), and (t) of subsection  
3013 (1), paragraph (b) of subsection (6), and paragraphs (a), (c),  
3014 and (d) of subsection (9) of section 1011.62, Florida Statutes,  
3015 are amended to read:

3016           1011.62 Funds for operation of schools.—If the annual  
3017 allocation from the Florida Education Finance Program to each  
3018 district for operation of schools is not determined in the  
3019 annual appropriations act or the substantive bill implementing

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3020 the annual appropriations act, it shall be determined as  
3021 follows:

3022 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
3023 OPERATION.—The following procedure shall be followed in  
3024 determining the annual allocation to each district for  
3025 operation:

3026 (f) Supplemental academic instruction allocation;  
3027 ~~eategorical fund.~~—

3028 1. There is created the supplemental academic instruction  
3029 allocation ~~a eategorical fund~~ to provide supplemental academic  
3030 instruction to students in kindergarten through grade 12. ~~This~~  
3031 ~~paragraph may be cited as the "Supplemental Academic Instruction~~  
3032 ~~Categorical Fund."~~

3033 2. The supplemental academic instruction allocation shall  
3034 be provided annually in the Florida Education Finance Program as  
3035 specified in the General Appropriations Act. These funds are  
3036 ~~eategorical fund is~~ in addition to the funds appropriated on the  
3037 basis of FTE student membership in the Florida Education Finance  
3038 Program and shall be included in the total potential funds of  
3039 each district. Beginning with the 2018-2019 fiscal year, These  
3040 ~~funds shall be used to provide supplemental academic instruction~~  
3041 ~~to students enrolled in the K-12 program.~~ each school district  
3042 that has a school earning a grade of "D" or "F" pursuant to s.  
3043 1008.34 must use that school's portion of the supplemental  
3044 academic instruction allocation to implement the intervention

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3045 and support strategies for school improvement pursuant to s.  
3046 1008.33 and for salary incentives pursuant to s. 1012.2315(3) or  
3047 salary supplements pursuant to s. 1012.22(1)(c)5.c. that are  
3048 provided through a memorandum of understanding between the  
3049 collective bargaining agent and the school board that addresses  
3050 the selection, placement, and expectations of instructional  
3051 personnel and school administrators. For all other schools, the  
3052 school district's use of the supplemental academic instruction  
3053 allocation ~~one or more of the 300 lowest-performing elementary~~  
3054 ~~schools based on the state reading assessment for the prior year~~  
3055 ~~shall use these funds, together with the funds provided in the~~  
3056 ~~district's research-based reading instruction allocation and~~  
3057 ~~other available funds, to provide an additional hour of~~  
3058 ~~instruction beyond the normal school day for each day of the~~  
3059 ~~entire school year for intensive reading instruction for the~~  
3060 ~~students in each of these schools. This additional hour of~~  
3061 ~~instruction must be provided by teachers or reading specialists~~  
3062 ~~who have demonstrated effectiveness in teaching reading or by a~~  
3063 ~~K-5 mentoring reading program that is supervised by a teacher~~  
3064 ~~who is effective at teaching reading. Students enrolled in these~~  
3065 ~~schools who have level 5 assessment scores may participate in~~  
3066 ~~the additional hour of instruction on an optional basis.~~  
3067 ~~Exceptional student education centers shall not be included in~~  
3068 ~~the 300 schools. The designation of the 300 lowest-performing~~  
3069 ~~elementary schools must be based on the state reading assessment~~

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3070 ~~for the prior year. After this requirement has been met,~~  
3071 ~~supplemental instruction strategies~~ may include, but is are not  
3072 limited to, ~~the~~ use of a modified curriculum, reading  
3073 instruction, after-school instruction, tutoring, mentoring, a  
3074 reduction in class size, extended school year, intensive skills  
3075 development in summer school, dropout prevention programs as  
3076 defined in ss. 1003.52 and 1003.53(1)(a), (b), and (c), and  
3077 other methods of improving student achievement. Supplemental  
3078 academic instruction may be provided to a student in any manner  
3079 and at any time during or beyond the regular 180-day term  
3080 identified by the school as being the most effective and  
3081 efficient way to best help that student progress from grade to  
3082 grade and to graduate.

3083 3. ~~Categorical funds for supplemental academic instruction~~  
3084 ~~shall be provided annually in the Florida Education Finance~~  
3085 ~~Program as specified in the General Appropriations Act. These~~  
3086 ~~funds shall be provided as a supplement to the funds~~  
3087 ~~appropriated for the basic funding level and shall be included~~  
3088 ~~in the total funds of each district. The supplemental academic~~  
3089 instruction allocation shall consist of a base amount that has a  
3090 workload adjustment based on changes in unweighted FTE. ~~In~~  
3091 ~~addition, districts that have elementary schools included in the~~  
3092 ~~300 lowest performing schools designation shall be allocated~~  
3093 ~~additional funds to assist those districts in providing~~  
3094 ~~intensive reading instruction to students in those schools. The~~

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3095 ~~amount provided shall be based on each district's level of per-~~  
3096 ~~student funding in the reading instruction allocation and the~~  
3097 ~~supplemental academic instruction categorical fund and on the~~  
3098 ~~total FTE for each of the schools. The supplemental academic~~  
3099 ~~instruction allocation categorical funding shall be recalculated~~  
3100 ~~during the fiscal year following an updated designation of the~~  
3101 ~~300 lowest performing elementary schools and shall be based on~~  
3102 ~~actual student membership from the FTE surveys. Upon~~  
3103 ~~recalculation of funding for the supplemental academic~~  
3104 ~~instruction allocation categorical fund, if the total allocation~~  
3105 ~~is greater than the amount provided in the General~~  
3106 ~~Appropriations Act, the allocation shall be prorated to the~~  
3107 ~~level provided to support the appropriation, based on each~~  
3108 ~~district's share of the total.~~

3109 4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on  
3110 the basis of FTE membership beyond the 180-day regular term  
3111 shall be provided in the FEFP only for students enrolled in  
3112 juvenile justice education programs or in education programs for  
3113 juveniles placed in secure facilities or programs under s.  
3114 985.19. Funding for instruction beyond the regular 180-day  
3115 school year for all other K-12 students shall be provided  
3116 through the supplemental academic instruction allocation and  
3117 other state, federal, and local fund sources with ample  
3118 flexibility for schools to provide supplemental instruction to

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3119 assist students in progressing from grade to grade and  
3120 graduating.

3121 ~~5. The Florida State University School, as a lab school,~~  
3122 ~~is authorized to expend from its FEFP or Lottery Enhancement~~  
3123 ~~Trust Fund allocation the cost to the student of remediation in~~  
3124 ~~reading, writing, or mathematics for any graduate who requires~~  
3125 ~~remediation at a postsecondary educational institution.~~

3126 ~~6. Beginning in the 1999-2000 school year, dropout~~  
3127 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~  
3128 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~  
3129 ~~under subparagraph (d)3.~~

3130 (o) Calculation of additional full-time equivalent  
3131 membership based on successful completion of a career-themed  
3132 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or  
3133 courses with embedded CAPE industry certifications or CAPE  
3134 Digital Tool certificates, and issuance of industry  
3135 certification identified on the CAPE Industry Certification  
3136 Funding List pursuant to rules adopted by the State Board of  
3137 Education or CAPE Digital Tool certificates pursuant to s.  
3138 1003.4203.—

3139 1.a. A value of 0.025 full-time equivalent student  
3140 membership shall be calculated for CAPE Digital Tool  
3141 certificates earned by students in elementary and middle school  
3142 grades.

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3143           b. A value of 0.1 or 0.2 full-time equivalent student  
3144 membership shall be calculated for each student who completes a  
3145 course as defined in s. 1003.493(1)(b) or courses with embedded  
3146 CAPE industry certifications and who is issued an industry  
3147 certification identified annually on the CAPE Industry  
3148 Certification Funding List approved under rules adopted by the  
3149 State Board of Education. A value of 0.2 full-time equivalent  
3150 membership shall be calculated for each student who is issued a  
3151 CAPE industry certification that has a statewide articulation  
3152 agreement for college credit approved by the State Board of  
3153 Education. For CAPE industry certifications that do not  
3154 articulate for college credit, the Department of Education shall  
3155 assign a full-time equivalent value of 0.1 for each  
3156 certification. Middle grades students who earn additional FTE  
3157 membership for a CAPE Digital Tool certificate pursuant to sub-  
3158 subparagraph a. may not use the previously funded examination to  
3159 satisfy the requirements for earning an industry certification  
3160 under this sub-subparagraph. Additional FTE membership for an  
3161 elementary or middle grades student may not exceed 0.1 for  
3162 certificates or certifications earned within the same fiscal  
3163 year. The State Board of Education shall include the assigned  
3164 values on the CAPE Industry Certification Funding List under  
3165 rules adopted by the state board. Such value shall be added to  
3166 the total full-time equivalent student membership for grades 6  
3167 through 12 in the subsequent year. CAPE industry certifications

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3168 earned through dual enrollment must be reported and funded  
3169 pursuant to s. 1011.80. However, if a student earns a  
3170 certification through a dual enrollment course and the  
3171 certification is not a fundable certification on the  
3172 postsecondary certification funding list, or the dual enrollment  
3173 certification is earned as a result of an agreement between a  
3174 school district and a nonpublic postsecondary institution, the  
3175 bonus value shall be funded in the same manner as other nondual  
3176 enrollment course industry certifications. In such cases, the  
3177 school district may provide for an agreement between the high  
3178 school and the technical center, or the school district and the  
3179 postsecondary institution may enter into an agreement for  
3180 equitable distribution of the bonus funds.

3181 c. A value of 0.3 full-time equivalent student membership  
3182 shall be calculated for student completion of the courses and  
3183 the embedded certifications identified on the CAPE Industry  
3184 Certification Funding List and approved by the commissioner  
3185 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3186 d. A value of 0.5 full-time equivalent student membership  
3187 shall be calculated for CAPE Acceleration Industry  
3188 Certifications that articulate for 15 to 29 college credit  
3189 hours, and 1.0 full-time equivalent student membership shall be  
3190 calculated for CAPE Acceleration Industry Certifications that  
3191 articulate for 30 or more college credit hours pursuant to CAPE

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3192 Acceleration Industry Certifications approved by the  
3193 commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

3194 2. Each district must allocate at least 80 percent of the  
3195 funds provided for CAPE industry certification, in accordance  
3196 with this paragraph, to the program that generated the funds.  
3197 This allocation may not be used to supplant funds provided for  
3198 basic operation of the program.

3199 3. For CAPE industry certifications earned in the 2013-  
3200 2014 school year and in subsequent years, the school district  
3201 shall distribute to each classroom teacher who provided direct  
3202 instruction toward the attainment of a CAPE industry  
3203 certification that qualified for additional full-time equivalent  
3204 membership under subparagraph 1.:

3205 a. A bonus of \$25 for each student taught by a teacher who  
3206 provided instruction in a course that led to the attainment of a  
3207 CAPE industry certification on the CAPE Industry Certification  
3208 Funding List with a weight of 0.1.

3209 b. A bonus of \$50 for each student taught by a teacher who  
3210 provided instruction in a course that led to the attainment of a  
3211 CAPE industry certification on the CAPE Industry Certification  
3212 Funding List with a weight of 0.2.

3213 c. A bonus of \$75 for each student taught by a teacher who  
3214 provided instruction in a course that led to the attainment of a  
3215 CAPE industry certification on the CAPE Industry Certification  
3216 Funding List with a weight of 0.3.

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3217 d. A bonus of \$100 for each student taught by a teacher  
3218 who provided instruction in a course that led to the attainment  
3219 of a CAPE industry certification on the CAPE Industry  
3220 Certification Funding List with a weight of 0.5 or 1.0.

3221  
3222 Bonuses awarded pursuant to this paragraph shall be provided to  
3223 teachers who are employed by the district in the year in which  
3224 the additional FTE membership calculation is included in the  
3225 calculation. Bonuses shall be calculated based upon the  
3226 associated weight of a CAPE industry certification on the CAPE  
3227 Industry Certification Funding List for the year in which the  
3228 certification is earned by the student. Any bonus awarded to a  
3229 teacher pursuant to ~~under~~ this paragraph is in addition to any  
3230 regular wage or other bonus the teacher received or is scheduled  
3231 to receive. A bonus may not be awarded to a teacher who fails to  
3232 maintain the security of any CAPE industry certification  
3233 examination or who otherwise violates the security or  
3234 administration protocol of any assessment instrument that may  
3235 result in a bonus being awarded to the teacher under this  
3236 paragraph.

3237 (t) Computation for funding through the Florida Education  
3238 Finance Program.—The State Board of Education may adopt rules  
3239 establishing programs, industry certifications, and courses for  
3240 which the student may earn credit toward high school graduation

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3241 and the criteria under which a student's industry certification  
3242 or grade may be rescinded.

3243 (6) CATEGORICAL FUNDS.—

3244 (b) If a district school board finds and declares in a  
3245 resolution adopted at a regular meeting of the school board that  
3246 the funds received for any of the following categorical  
3247 appropriations are urgently needed to maintain school board  
3248 specified academic classroom instruction, the school board may  
3249 consider and approve an amendment to the school district  
3250 operating budget transferring the identified amount of the  
3251 categorical funds to the appropriate account for expenditure:

3252 1. Funds for student transportation.

3253 2. Funds for safe schools.

3254 ~~3. Funds for supplemental academic instruction if the~~  
3255 ~~required additional hour of instruction beyond the normal school~~  
3256 ~~day for each day of the entire school year has been provided for~~  
3257 ~~the students in each low-performing elementary school in the~~  
3258 ~~district pursuant to paragraph (1)(f).~~

3259 3.4. Funds for research-based reading instruction if the  
3260 required additional hour of instruction beyond the normal school  
3261 day for each day of the entire school year has been provided for  
3262 the students in each low-performing elementary school in the  
3263 district pursuant to paragraph (9)(a).

3264 4.5. Funds for instructional materials if all  
3265 instructional material purchases necessary to provide updated

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3266 materials that are aligned with applicable state standards and  
3267 course descriptions and that meet statutory requirements of  
3268 content and learning have been completed for that fiscal year,  
3269 but no sooner than March 1. Funds available after March 1 may be  
3270 used to purchase hardware for student instruction.

3271 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

3272 (a) The research-based reading instruction allocation is  
3273 created to provide comprehensive reading instruction to students  
3274 in kindergarten through grade 12. Each school district that has  
3275 one or more of the 300 lowest-performing elementary schools  
3276 based on a 3-year average of the state reading assessment data  
3277 shall give priority to using that school's portion of the  
3278 allocation to provide ~~providing~~ an additional hour per day of  
3279 intensive reading instruction ~~beyond the normal school day for~~  
3280 ~~each day of the entire school year~~ for the students in each  
3281 school. ~~The designation of the 300 lowest-performing elementary~~  
3282 ~~schools must be based on the state reading assessment for the~~  
3283 ~~prior year.~~ Students enrolled in these schools who earned a have  
3284 level 4 or level 5 score on the statewide, standardized English  
3285 Language Arts assessment for the previous school year ~~scores~~ may  
3286 participate in the additional hour of instruction ~~on an optional~~  
3287 ~~basis.~~ Exceptional student education centers may not be included  
3288 in the 300 schools. The intensive reading instruction delivered  
3289 in this additional hour ~~and for other students~~ shall include:  
3290 research-based reading instruction that has been proven to

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3291 accelerate progress of students exhibiting a reading deficiency;  
3292 differentiated instruction based on screening, diagnostic,  
3293 progress monitoring, or student assessment data to meet  
3294 students' specific reading needs; explicit and systematic  
3295 reading strategies to develop phonemic awareness, phonics,  
3296 fluency, vocabulary, and comprehension, with more extensive  
3297 opportunities for guided practice, error correction, and  
3298 feedback; and the integration of social studies, science, and  
3299 mathematics-text reading, text discussion, and writing in  
3300 response to reading.

3301 (c) Funds allocated under this subsection must be used to  
3302 provide a system of comprehensive reading instruction to  
3303 students enrolled in the K-12 programs, which may include the  
3304 following:

3305 1. ~~The provision of~~ An additional hour per day of  
3306 intensive reading instruction to students in the 300 lowest-  
3307 performing elementary schools by teachers and reading  
3308 specialists who have demonstrated effectiveness in teaching  
3309 reading as required in paragraph (a).

3310 2. Kindergarten through grade 5 reading intervention  
3311 teachers to provide intensive intervention during the school day  
3312 and in the required extra hour for students identified as having  
3313 a reading deficiency.

3314 3. ~~The provision of~~ Highly qualified reading coaches to  
3315 specifically support teachers in making instructional decisions

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3316 based on student data, and improve teacher delivery of effective  
3317 reading instruction, intervention, and reading in the content  
3318 areas based on student need.

3319 4. Professional development for school district teachers  
3320 in scientifically based reading instruction, including  
3321 strategies to teach reading in content areas and with an  
3322 emphasis on technical and informational text, to help school  
3323 district teachers earn a certification or an endorsement in  
3324 reading.

3325 5. ~~The provision of~~ Summer reading camps, using only  
3326 teachers or other district personnel who are certified or  
3327 endorsed in reading consistent with s. 1008.25(7)(b)3., for all  
3328 students in kindergarten through grade 2 who demonstrate a  
3329 reading deficiency as determined by district and state  
3330 assessments, and students in grades 3 through 5 who score at  
3331 Level 1 on the statewide, standardized ~~reading assessment or,~~  
3332 ~~upon implementation,~~ the English Language Arts assessment.

3333 6. ~~The provision of~~ Supplemental instructional materials  
3334 that are grounded in scientifically based reading research as  
3335 identified by the Just Read, Florida! Office pursuant to s.  
3336 1001.215(8).

3337 7. ~~The provision of~~ Intensive interventions for students  
3338 in kindergarten through grade 12 who have been identified as  
3339 having a reading deficiency or who are reading below grade level

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3340 as determined by the statewide, standardized English Language  
3341 Arts assessment.

3342 (d)1. Each school district that has a school that earns a  
3343 grade below a "B" pursuant to s. 1008.34 shall annually, by a  
3344 date determined by the Department of Education but before May 1,  
3345 school districts shall submit a K-12 comprehensive reading plan  
3346 for the specific use of the research-based reading instruction  
3347 allocation in the format prescribed by the department for review  
3348 and approval by the department as part of the monitoring,  
3349 intervention, and support strategies required under s. 1008.33  
3350 Just Read, Florida! Office created pursuant to s. 1001.215. The  
3351 plan annually submitted by school districts shall be deemed  
3352 approved unless the department rejects the plan on or before  
3353 June 1. If a school district and the Just Read, Florida! Office  
3354 cannot reach agreement on the contents of the plan, the school  
3355 district may appeal to the State Board of Education for  
3356 resolution. School districts shall be allowed reasonable  
3357 flexibility in designing their plans and shall be encouraged to  
3358 offer reading intervention through innovative methods, including  
3359 career academies. The plan format shall be developed with input  
3360 from school district personnel, including teachers and  
3361 principals, and shall provide for ~~allow courses in core, career,~~  
3362 ~~and alternative programs that deliver~~ intensive reading  
3363 intervention ~~remediation~~ through integrated curricula, provided  
3364 that the interventions are delivered by a teacher who is

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3365 ~~certified or endorsed in deemed highly qualified to teach~~  
3366 ~~reading or working toward that status. No later than July 1~~  
3367 ~~annually, the department shall release the school district's~~  
3368 ~~allocation of appropriated funds to those districts having~~  
3369 ~~approved plans. A school district that spends 100 percent of~~  
3370 ~~this allocation on its approved plan shall be deemed to have~~  
3371 ~~been in compliance with the plan. The department may withhold~~  
3372 ~~funds upon a determination that reading instruction allocation~~  
3373 ~~funds are not being used to implement the approved plan. The~~  
3374 ~~department shall monitor and track the implementation of each~~  
3375 ~~district plan, including conducting site visits and collecting~~  
3376 ~~specific data on expenditures and reading improvement results.~~  
3377 ~~By February 1 of each year, the department shall report its~~  
3378 ~~findings to the Legislature.~~

3379         2. Each school district that has a school designated as  
3380 one of the 300 lowest-performing elementary schools as specified  
3381 in paragraph (a) shall specifically delineate in the  
3382 comprehensive reading plan, or in an addendum to the  
3383 comprehensive reading plan, the implementation design and  
3384 reading intervention strategies that will be used for the  
3385 required additional hour of reading instruction.

3386  
3387 The term "reading intervention" may include strategies  
3388 identified by the Just Read, Florida! Office pursuant to s.  
3389 1001.215(8), ~~includes evidence-based strategies frequently used~~

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3390 ~~to remediate reading deficiencies and also includes~~ individual  
3391 instruction, tutoring, mentoring, or the use of technology that  
3392 targets specific reading skills and abilities.

3393 Section 42. Section 1011.6202, Florida Statutes, is  
3394 amended to read:

3395 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The  
3396 Principal Autonomy ~~Pilot~~ Program Initiative is created within  
3397 the Department of Education. The purpose of the ~~pilot~~ program is  
3398 to provide a ~~the~~ highly effective principal of a participating  
3399 school with increased autonomy and authority to operate his or  
3400 her school, as well as other schools, in a way that produces  
3401 significant improvements in student achievement and school  
3402 management while complying with constitutional requirements. The  
3403 State Board of Education may, upon approval of a principal  
3404 autonomy proposal, enter into a performance contract with the ~~up~~  
3405 ~~to seven~~ district school board ~~boards~~ for participation in the  
3406 ~~pilot~~ program.

3407 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the  
3408 2018-2019 school year, contingent upon available funds, and on a  
3409 first-come, first-served basis, a ~~The~~ district school board  
3410 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~  
3411 ~~Pinellas, and Seminole Counties~~ may submit, no later than  
3412 December 1, to the state board for approval a principal autonomy  
3413 proposal that exchanges statutory and rule exemptions for an  
3414 agreement to meet performance goals established in the proposal.

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3415 If approved by the state board, the each of these school  
3416 district is ~~districts shall be~~ eligible to participate in the  
3417 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~  
3418 ~~performance of all participating schools in the school district~~  
3419 ~~shall be evaluated.~~

3420 (2) PRINCIPAL AUTONOMY PROPOSAL.-

3421 (a) To participate in the ~~pilot~~ program, a school district  
3422 must:

3423 1. Identify three schools that received at least two  
3424 school grades of "D" or "F" pursuant to s. 1008.34 during the  
3425 previous 3 school years.

3426 2. Identify three principals who have earned a highly  
3427 effective rating on the prior year's performance evaluation  
3428 pursuant to s. 1012.34, one of whom shall be assigned to each of  
3429 the participating schools.

3430 3. Describe the current financial and administrative  
3431 management of each participating school; identify the areas in  
3432 which each school principal will have increased fiscal and  
3433 administrative autonomy, including the authority and  
3434 responsibilities provided in s. 1012.28(8); and identify the  
3435 areas in which each participating school will continue to follow  
3436 district school board fiscal and administrative policies.

3437 4. Explain the methods used to identify the educational  
3438 strengths and needs of the participating school's students and  
3439 identify how student achievement can be improved.

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3440           5. Establish performance goals for student achievement, as  
3441 defined in s. 1008.34(1), and explain how the increased autonomy  
3442 of principals will help participating schools improve student  
3443 achievement and school management.

3444           6. Provide each participating school's mission and a  
3445 description of its student population.

3446           (b) The state board shall establish criteria, which must  
3447 include the criteria listed in paragraph (a), for the approval  
3448 of a principal autonomy proposal.

3449           (c) A district school board must submit its principal  
3450 autonomy proposal to the state board for approval by December 1  
3451 in order to begin participation in the subsequent school year.  
3452 By February 28 of the school year in which the proposal is  
3453 submitted, the state board shall notify the district school  
3454 board in writing whether the proposal is approved.

3455           (3) EXEMPTION FROM LAWS.—

3456           (a) With the exception of those laws listed in paragraph  
3457 (b), a participating school or a school operated by an  
3458 independent governing board pursuant to subsection (5) is exempt  
3459 from the provisions of chapters 1000-1013 and rules of the state  
3460 board that implement those exempt provisions.

3461           (b) A participating school or a school operated by an  
3462 independent governing board pursuant to subsection (5) shall  
3463 comply with the provisions of chapters 1000-1013, and rules of

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3464 the state board that implement those provisions, pertaining to  
3465 the following:

3466 1. Those laws relating to the election and compensation of  
3467 district school board members, the election or appointment and  
3468 compensation of district school superintendents, public meetings  
3469 and public records requirements, financial disclosure, and  
3470 conflicts of interest.

3471 2. Those laws relating to the student assessment program  
3472 and school grading system, including chapter 1008.

3473 3. Those laws relating to the provision of services to  
3474 students with disabilities.

3475 4. Those laws relating to civil rights, including s.  
3476 1000.05, relating to discrimination.

3477 5. Those laws relating to student health, safety, and  
3478 welfare.

3479 6. Section 1001.42(4)(f), relating to the uniform opening  
3480 date for public schools.

3481 7. Section 1003.03, governing maximum class size, except  
3482 that the calculation for compliance pursuant to s. 1003.03 is  
3483 the average at the school level for a participating school.

3484 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
3485 compensation and salary schedules.

3486 9. Section 1012.33(5), relating to workforce reductions  
3487 for annual contracts for instructional personnel. This  
3488 subparagraph does not apply to at-will employees.

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3489 10. Section 1012.335, relating to annual contracts for  
3490 instructional personnel hired on or after July 1, 2011. This  
3491 subparagraph does not apply to at-will employees.

3492 11. Section 1012.34, relating to personnel evaluation  
3493 procedures and criteria.

3494 12. Those laws pertaining to educational facilities,  
3495 including chapter 1013, except that s. 1013.20, relating to  
3496 covered walkways for relocatables, and s. 1013.21, relating to  
3497 the use of relocatable facilities exceeding 20 years of age, are  
3498 eligible for exemption.

3499 13. Those laws pertaining to participating school  
3500 districts, including this section and ss. 1011.69(2) and  
3501 1012.28(8).

3502 (c) A school shall remain exempt, as provided in this  
3503 subsection, beyond the term of the program so long as the school  
3504 receives no grade lower than a "B."

3505 (4) PROFESSIONAL DEVELOPMENT.—Each participating school  
3506 district shall require that the principal of each participating  
3507 school and a designated leadership team selected by the  
3508 principal of the participating school, ~~a three-member leadership~~  
3509 ~~team from each participating school, and district personnel~~  
3510 ~~working with each participating school~~ complete a nationally  
3511 recognized school turnaround program which focuses on improving  
3512 leadership, instructional infrastructure, talent management, and  
3513 differentiated support and accountability. The required

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3514 personnel must enroll in the nationally recognized school  
3515 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~  
3516 ~~participating school district shall receive \$100,000 from the~~  
3517 ~~department for participation in the nationally recognized school~~  
3518 ~~turnaround program.~~

3519 (5) DISTRICT-INDEPENDENT AUTONOMOUS SCHOOLS.—To foster the  
3520 development of principal autonomy and autonomous schools,  
3521 participating school districts may expand the impact of  
3522 participating principals by allowing participating principals to  
3523 manage multiple schools under an independent governing board.

3524 (a) A participating principal who successfully completes  
3525 the training required by subsection (4) may manage one or more  
3526 schools that are operated by an independent governing board  
3527 through a contract with the school board. To avoid any conflict  
3528 of interest regarding the review, approval, and oversight of the  
3529 school, members of the governing board may not be employees of  
3530 the school district or any school operated by the governing  
3531 board.

3532 (b) An autonomous school may be a private or a public  
3533

3534 -----

3535 **T I T L E A M E N D M E N T**

3536 Remove lines 239-241 and insert:  
3537 requirements for such participation; deleting a  
3538 school's

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