



**STATE BOARD OF EDUCATION  
AGENDA**

**Marva Johnson, Chair  
John R. Padget, Vice Chair  
Gary Chartrand  
Tom Grady  
Rebecca Fishman Lipsey  
Michael Olenick  
Andy Tuck**

**December 4, 2015  
Conference Call  
1-888-339-2688  
Passcode: 568 736 12**

**9:30 a.m. Call to Order**

**Chair Marva Johnson**

**Welcome**

**Member Comments**

**Chair Marva Johnson**

**Commissioner's Report**

**Commissioner Pam Stewart**

**Approval**

1. Minutes of October 28, 2015 Meeting pg. 5

**Action Items**

2. Approval of Amendment to Rule 6A-10.042, Test Administration and Security (Amendment required due to statutory change.) pg. 10
3. Approval of Amendment to Rule 6A-1.094222, Standards for Mid-Year Promotion of Retained Third Graders (Update needed due to statutory change to s. 1008.25.) pg. 14
4. Approval of Amendment to Rule 6A-6.03028, Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities (Amendment to IEP requirements needed to include students with disabilities who are also gifted. Amendment needed to clarify considerations required to determine need for Extended School Year Services.) pg. 17

**Consent Items**

**Office of Early Learning**

5. Approval of Amendment to Rule 6M-8.610, Voluntary Prekindergarten (VPK) Director Credential for Private Providers (Amendment simplifies the process for obtaining director credential and names required courses.) pg. 28

**Florida College System**

6. Approval of the Florida College System Employment Equity Accountability Program Progress Report: 2010-2011 through 2014-2015 pg. 32

## **Finance and Operations**

7. Adoption of Resolutions Authorizing the Issuance and Sale of Not Exceeding \$145,000,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay (PECO) Refunding Bonds, 2016 Series (to be determined) pg. 33

### Amendments

8. Approval of Amendment to Rule 6A-1.001, District Financial Records (The amendment updates school district financial reporting requirements.)pg. 43
9. Approval of Amendment to Rule 6A-20.050, Nursing Student Loan Forgiveness Program (Amendment needed to align with statute after transfer from DOH to DOE. Language from other rules incorporated; those rules repealed.)pg. 45

## **Division of Public Schools**

### Amendments

10. Approval of Amendment to Rule 6A-6.0253, Diabetes Management (The amendment updates the rule by incorporating the most recent "Individualized HealthCare Plan" format recommended by the National Association of School Nurses.) pg. 63
11. Approval of Amendment to Rule 6A-6.030121, Exceptional Student Education Eligibility for Student with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services (Amendment needed to update references and delete duplicative language.) pg. 69
12. Approval of Amendment to Rule 6A-6.03018, Exceptional Education Eligibility for Students with Specific Learning Disabilities (Amendment needed to update rule references and delete obsolete language.) pg. 75
13. Approval of Amendment to Rule 6A-6.030191, Development of Educational Plans for Exceptional Students Who Are Gifted (Amendment clarifies that EPs are for students whose only exceptionality is giftedness.) pg. 79
14. Approval of Amendment to Rule 6A-6.03313, Procedural Safeguards for Exceptional Students Who Are Gifted (Amendment to include statement that due process procedures and procedural safeguards apply for students with disabilities who are also gifted.) pg. 82

## **Finance and Operations**

### Repeal

15. Approval of Repeal of Rules 6A-20.051, Nursing Student Loan Forgiveness Program Renewal; 6A-20.052, Nursing Student Loan Forgiveness Program Payment; and 6A-20.053, Match Site Facilities Payment Requirement (Language incorporated in Rule 6A-20.050 to align with statute.) pg. 87

## **Office of Independent Education and Parental Choice**

### Repeals

16. Approval of Repeal of Rule 6A-6.0785, Charter School Applicant Training Standards (Form for district-required training never used in 5 years of existence. Statute still exists, but form is not necessary.) pg. 90
17. Approval of Repeal of Rule 6A-6.0980, K-8 Virtual School Program (Statutory authority was repealed.) pg. 93

## Florida College System

### Repeals

18. Approval of Repeal of Rule 6A-14.0261, General Powers of the President (Rule lacks rulemaking authority and statutory language remains in effect.) pg. 95
19. Approval of Repeal of Rule 6A-14.0432, Military Leave (Language conflicts with current statute and statute stands on its own.) pg. 97
20. Approval of Repeal of Rule 6A-14.0571, Religious Observance by Students (Rule lacks rulemaking authority and statutory language remains in effect.) pg. 99

## Accountability, Research and Measurement

### Repeals

21. Approval of Repeal of Rule 6A-1.0944, Access, Maintenance and Destruction of State Student Assessment Tests and Related Materials (Outdated; has been replaced by another rule.) pg. 101
22. Approval of Repeal of Rule 6A-1.09982, Reporting Requirements for School Improvement and Accountability (Statutory authority was repealed.) pg. 103
23. Approval of Repeal of Rule 6A-7.0712, Local Instructional Improvement Systems (Statutory authority was repealed.) pg. 106

## Career and Adult Education

### Repeals

24. Approval of Repeal of Rule 6A-1.09417, Curriculum Frameworks – Lifelong Learning Noncredit Courses, Adults – High School and Non-High School Graduates (Statutory authority was repealed. Ability to offer courses still exists.) pg. 108
25. Approval of Repeal of Rule 6A-6.010, General Adult Education (Statutory authority was repealed. Ability to offer program still exists.) pg. 110
26. Approval of Repeal of Rule 6A-6.011, Definition of Adult Student (Statutory authority was repealed. Definition appears in s. 1004.02.) pg. 112
27. Approval of Repeal of Rule 6A-6.015, Professional Requirements for Administrators and Supervisors of Adult General Education Program (Language is contained in another rule; therefore, this rule is duplicative.) pg. 114
28. Approval of Repeal of Rule 6A-6.055, Definitions of Terms Used in Vocational Education and Adult Programs (Language is outdated or no longer supported by statutory authority. Current language is contained in other rules.) pg. 116
29. Approval of Repeal of Rule 6A-6.065, Instructional Components of Vocational Education (Statutory authority repealed. Programs may still be offered under other statutory authority.) pg. 118

## Division of Public Schools

### Repeals

30. Approval of Repeal of Rule 6A-1.093, Florida Academic Scholars Certificate (Statutory authority was repealed.) pg. 121
31. Approval of Repeal of Rule 6A-7.0100, Merit Award Program for Instructional Personnel and School-Based Administrators K-12 (Statutory authority was repealed.) pg. 123
32. Approval of Repeal of Rule 6A-6.03032, Procedural Safeguards for Children with Disabilities Ages Birth Through Two Years (DOH, as the lead agency, incorporated the language in a DOH rule.) pg. 126

33. Approval of Repeal of Rules 6A-6.0523, Comprehensive Dropout Prevention Plans; 6A-6.0526, Substance Abuse Programs; 6A-6.0527, Disciplinary Programs; 6A-6.0528, Youth Services Programs; 6A-6.05291, Course Modification; and 6A-6.05292, Common Objective Criteria and Evaluation of Dropout Prevention Programs (Statutory authority was repealed.) pg. 129
34. Approval of Repeal of Rule 6A-6.0713, Habitual Truancy: Inter-Agency Agreements (The rule duplicates present statutory language, and is no longer needed.)pg. 136
35. Approval of Repeal of Rule 6A-6.0900, Programs for English Language Learners (ELLs) (This rule is unnecessary as it contains only redundant information.) pg. 138
36. Approval of Repeal of Rule 6A-7.096, Educational Improvement Projects (Statutory authority was repealed.) pg. 140

**Concluding Remarks**

**Chair Marva Johnson**

STATE BOARD OF EDUCATION  
Action Item  
December 4, 2015

SUBJECT: Approval of Minutes of October 28, 2015, Meeting

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PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

N/A

EXECUTIVE SUMMARY

The minutes of the October 28, 2015, Meeting are presented for approval.

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Supporting Documentation Included: Minutes, October 28, 2015

Facilitator/Presenter: Chair Marva Johnson



**MINUTES  
STATE BOARD OF EDUCATION  
MEETING**

October 28, 2015  
Hyatt Regency Orlando Airport  
9300 Jeff Fuqua Boulevard  
Regency Ballroom D and E  
Orlando, Florida

Chair Marva Johnson called the meeting to order at 9:00 a.m. and welcomed members and guests to the State Board of Education meeting. The following members were present: Vice Chair John Padget, Gary Chartrand, Rebecca Fishman Lipsey, Michael Olenick and Andy Tuck.

**MEMBER COMMENTS**

Vice Chair Padget shared the disappointing eighth grade math results from the National Assessment of Educational Progress (NAEP) and expressed the need to revisit cut score requirements and recommendations, legislative priorities and budget priorities, and determine the needs of the districts and teachers. He also commended Mark Porter, Superintendent of Monroe County for bringing the National Math and Science Initiative to Florida. The National Math and Science Initiative has a track record of increasing both participation and success in all Advanced Placement (AP) courses having a Science, Technology, Engineering, and Mathematics (STEM) focus. They operate in over 30 states in about 800 schools. Since inception, eight years ago, they've impacted two million students across the nation, but none in Florida until now. Mr. Padget then recognized Greg Fleischer, Chief Economic Officer, National Math and Science Initiative.

Ms. Fishman Lipsey shared data from her recent visit to Broward College on entry-level English Language Composition and entry-level college Math. She congratulated Broward College on the results they attained without requiring students to take developmental classes. She then provided an overview of her visit to George T. Baker Aviation Technical College.

Mr. Olenick thanked everyone for coming to the Board meeting to be part of the process.

Mr. Chartrand shared the importance of the Board getting the cut scores right.

Chair Johnson shared that everyone has the same goal and that is to make the best decisions for the families and children of Florida.

**COMMISSIONER'S REPORT**

Commissioner Stewart recognized the following TaxWatch 2015 Principal Leadership Awards recipients: Chimene Johnson, Apalachicola Bay Charter School in Franklin County; Judith Marty, Mater Academy Charter High School in Miami-Dade County; Jeffrey Raimann, Indiantown Middle School in Martin County; Harriet Taylor, Springfield Elementary School in Bay County; and Sandra Whidden, Sebring Middle School in Highlands County and Thomas Bolling, Interlachen High School in Putnam County, who could not attend in person.

Commissioner Stewart highlighted the following NAEP results: On fourth grade reading, no states scored significantly higher than Florida's African-American and Hispanic students;

only three states scored better than Florida in overall student performance; no states scored significantly higher in grade eight reading than Florida's African-American and Hispanic students; Florida's Hispanic students outperformed their national peers in both fourth and eighth grade reading at or above basic and at or above proficient; fourth grade reading, nearly all Florida subgroups performed better than their national counterparts in the percentage of students scoring at or above basic; economically disadvantaged students and students with disabilities outperformed the nation at or above basic in grade eight reading; Florida's Hispanic fourth grade students lead the nation with 71 percent scoring at or above basic, and 34 percent of Hispanic fourth graders scored at or above proficient; Mathematics grade four, most subgroups performed better than their national peers scoring at or above basic; Hispanic students, economically disadvantaged students and students with disabilities outperformed the nation scoring at or above proficient; Florida's Hispanic students and students with disabilities have the nation's second highest average scale score in grade four Mathematics; no state has a significantly higher scale score than Florida for both four and eighth grade African American and Hispanic students; and to Mr. Padgett's point on eighth grade Math, we will be looking at what could be the reason(s) for decline.

Commissioner Stewart highlighted the great work of the College Reach Out Program within the Department of Education.

Commissioner Stewart recognized Rod Duckworth, Chancellor, Career and Adult Education, for an update on the recent Computer Science Framers Committee meeting. Chancellor Duckworth provided an update and shared that in accordance with Florida Statutes, a committee was organized to develop the framework for K-12 computer science. The group met October 13 and 14. The membership of this committee consisted of representatives from national and local associations, university representatives, school district representatives, that included both K-12 and Career and Technical Education, industry representation, Florida Department of Education representatives, which included collaboration between K-12 and Career and Tech Divisions. The committee started with defining computer science as: It's the study of computing technology and algorithmic processes, including the principles of problem solving, the development of software, hardware, information systems and their impact on society. Next steps in the process will include: starting in November, the selection of writers; in December, the process will include some additional public input and expert review, and then work starts on the writer consensus; in January, the plan is to submit those comments to the Commissioner; and in early spring, begin the process to present the standards to the Board. Vice Chair Padgett recommended copying Massachusetts draft standards to speed up the process. Mr. Chartrand agreed with Vice Chair Padgett and shared that Arkansas passed a bill to require that computer science be taught in every high school in the state of Arkansas and inquired if any legislation is underway in Florida to do the same. Mr. Chartrand recommended considering adding it as a legislative priority.

Chair Johnson called for a motion to approve the Commissioner's Report. Mr. Chartrand made the motion with a second by Vice Chair Padgett. The motion passed unanimously.

### **MINUTES**

Chair Johnson called for a motion to approve the minutes from the September 21 Board meeting. Vice Chair Padgett made the motion with a second by Mr. Olenick. The motion passed unanimously.

### **UPDATE**



### **Florida College System – President Ed Meadows, on behalf of the Council of Presidents**

Chair Johnson recognized Ed Meadows, President, Pensacola State College, on behalf of the Council of Presidents (COP). President Meadows provided an overview of the recent COP meeting that included discussion on performance funding, college funding formula, and campus safety. Vice Chair Padgett requested more data on the success of students in their first college course and whether that differs from the past when developmental education courses were required. Ms. Fishman Lipsey requested the demographics of students taking developmental education courses and whether it has changed since the requirements for developmental education changed. Chair Johnson requested Pell Grant data that is disaggregated by moderate-income and low-income recipients.

### **ACTION ITEMS**

#### **Approval of Amendment to Rule 6A-10.044, Residency for Tuition Purposes**

Chair Johnson recognized Matt Mears, General Counsel to provide an overview of the amendment. Mr. Mears provided an overview of the proposed rule. Chair Johnson called for a motion to approve Rule 6A-10.044, F.A.C. Mr. Olenick made the motion to approve the rule with a second by Vice Chair Padgett. The motion passed unanimously.

#### **Approval of Amendment to Rule 6A-6.0574, CAPE Postsecondary Industry Certification Funding List**

Chair Johnson recognized Chancellor Duckworth to provide an overview of the amendment. After the overview, Vice Chair Padgett requested a report per college on the number of students who attended classes associated with an industry certification compared to the number of students who received industry certifications. Chair Johnson called for a motion to approve Rule 6A-6.0574, F.A.C. Vice Chair Padgett made the motion to approve the rule with a second by Ms. Fishman Lipsey. The motion passed unanimously.

### **CONSENT ITEMS**

Chair Johnson called for a motion to approve the consent items. Mr. Chartrand made the motion with a second by Mr. Tuck. The motion passed unanimously.

### **POLICY ISSUE FOR CONSIDERATION**

#### **Florida Standards Assessment Cut Scores and School Accountability**

Commissioner Stewart shared that the presentation will be very thorough and will explain the process for establishing achievement level cut scores. There are five achievement levels ranging from one through five, with the middle level, three, defined in law as satisfactory, and also referred to as passing. She shared the importance of school grades being clear, understandable, transparent and most importantly, lead to improved student outcomes. She then recognized Juan Copa, Deputy Commissioner, Division of Accountability, Research and Measurement, for a detailed presentation on cut scores and school grades. Mr. Copa provided a brief history of assessment and accountability's role in Florida and detailed information on setting cut scores. Ms. Fishman Lipsey recommended being more clear and deliberate with our language in regards to a passing score, satisfactory score, or proficient score. Mr. Chartrand requested data on the top ten states rated highly in education achievement and to look at their cut scores, definitions of those cut scores, and compared

to Florida's cut scores and the relation to the gap of NAEP. Mr. Copa provided an overview of the accountability system and requirements in law.

**K-12 Public Schools – Kurt Browning, Pasco County Superintendent on behalf of the Florida Association of District School Superintendents**

Chair Johnson recognized Kurt Browning, Superintendent, Pasco County Public Schools, on behalf of the Florida Association of District School Superintendents (FADSS). Superintendent Browning thanked the following superintendents for being in attendance: Malcolm Thomas from Escambia, Tim Wyrosdick from Santa Rosa, Jerry Scarborough from Suwannee, Paul Dyal from Taylor, Nina Marks from Franklin, Bobby Pierce from Wakulla, Mark Rains from Dixie, Rick Shirley from Sumter, Bobby Edwards from Lafayette and Eddie Dixon from Holmes. Superintendent Browning provided an overview of Pasco County. He shared FADSS recommendation that the 2015 assessment should not be used for decisions on student progression and graduation or teacher evaluations and school grades. He requested that 2015 be a true baseline and school grades not be issued.

Chair Johnson opened the meeting for public comment and stated that each individual would have three minutes. (See the official transcript of the meeting for official proceedings and deliberations.) Upon completion of public comment Chair Johnson recognized fellow Board members for discussion. Vice Chair Padgett thanked everyone for coming to the meeting and for being part of the process. Mr. Chartrand clarified that the State Board must issue school grades as an A, B, C, D or F and does not have the authority to issue an I for incomplete. Mr. Olenick echoed the comments by Mr. Chartrand and recommended the public share their concerns with Legislature. Ms. Fishman Lipsey shared that the Board should work in partnership with superintendents to communicate what a baseline year is and why in a year with new standards and a new assessment that school grades could drop. She then expressed her appreciation for all the comments. Mr. Tuck shared his objective that every single student in Florida graduate, be prepared for college and to get a job so that they can support themselves and be successful. Vice Chair Padgett requested Commissioner Stewart provide data on cut scores more aligned to the 2015 NAEP data for the Board's review and consideration. Mr. Chartrand added, to provide cut scores within a ten-point range of NAEP at level three and to graph it and compare to the top ten states ranked in educational achievement. Chair Johnson requested comparable states in terms of diversity be included; California, New York, and Texas regardless of their NAEP performance. Chair Johnson thanked all the people who took time out of their day to come share their thoughts with the Board. Mr. Olenick requested the reactor panel data be included on the same chart with the new data being provided to the Board.

**CLOSING REMARKS**

Chair Johnson announced that the next meeting would be telephonically on December 4<sup>th</sup>.

**ADJOURNMENT**

Having no further business, Chair Johnson adjourned the meeting of the State Board of Education at 2:52 p.m.

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Cathy Schroeder, Corporate Secretary

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Marva Johnson, Chair

**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-10.042, Test Administration and Security

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1008.24, Florida Statutes

**EXECUTIVE SUMMARY**

Section 1008.24, Florida Statutes, permits the use of district employees such as paraprofessional educators (i.e., non-certified educators) to act as test administrators and proctors of statewide assessments required under section 1008.22, F.S. It is therefore necessary to establish in rule the training requirements for all test administrators and proctors. The proposed rule amendment adds training requirements; defines the roles of test administrators and proctors; indicates the responsibilities of each role; and specifies the training requirements for each role as well as test administration and security policies and procedures for statewide assessment administrations. The proposed rule reiterates the requirements, policies, and procedures already provided in test administration manuals.

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**Supporting Documentation Included:** Rule 6A-10.042, F.A.C. and Training Requirements for Administering and Proctoring the Statewide Assessments, 2015. [Rule Workshop PowerPoint Presentation](#) (under separate cover)

**Facilitator:** Juan Copa, Deputy Commissioner; Accountability, Research, and Measurement



**6A-10.042 Test Administration and Security.**

(1) through (h) No change.

(i) In accordance with Section 1008.24, F.S., a school district may use district employees, such as education paraprofessionals as described in Section 1012.37, F.S., to administer and proctor statewide, standardized assessments required under Section 1008.22, F.S. All test administrators and proctors for the statewide assessments administered pursuant to Rule 6A-1.09422, F.A.C., must complete training requirements outlined in *Training Requirements for Administering and Proctoring the Statewide Assessments, 2015*, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06180>) incorporated herein by reference. A copy may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) through (5) No change.

*Rulemaking Authority 1001.02, 1003.49, 1008.23, 1008.24 FS. Law Implemented 1003.49, 1008.23, 1008.24 FS. History—New 7-5-87, Amended 10-26-94, 11-3-13.*



### **Training Requirements for Administering and Proctoring the Statewide Assessments, 2015**

In accordance with s. 1008.24(3)(b), F.S., district employees shall successfully complete the following training requirements prior to administering or proctoring the statewide assessments required under s. 1008.22, F.S. Training requirements must be met for each assessment administration within a school year.

**District Assessment Coordinators** shall be responsible for ensuring that the training requirements for coordinating, administering, and proctoring statewide assessments are completed in their district.

**School Assessment Coordinators** shall be responsible for ensuring that the training requirements for administering and proctoring statewide assessments are completed in their school, as required.

**Test Administrators** are responsible for administering statewide assessments to students. Test Administrator training must cover the following responsibilities, policies, and topics:

- Reading the test administration security policies and procedures, test administrator responsibilities, and administration scripts for the assessments they will administer, including, if applicable, accommodations portions of the test administration manuals;
- Reading the test security statute (s. 1008.24, F.S.) and Rule 6A-10.042, F.A.C.;
- Daily test administration schedules and the amount of time allocated for each test session they will administer;
- The following responsibilities and requirements, as applicable for the assessments they will administer:
  - Retrieving secure and non-secure test materials from School Assessment Coordinators immediately prior to testing;
  - Distributing secure and non-secure test materials to students, as directed in test administration scripts;
  - Collecting secure and non-secure test materials from students immediately after testing;
  - Providing and collecting required and allowable ancillary materials for students by subject test and test session (e.g., calculators, work folders);
  - Returning secure and non-secure test materials to School Assessment Coordinators immediately after testing each day;
  - Following all instructions in the test administration scripts;
  - Reading test administration scripts VERBATIM to students immediately prior to beginning the test session;
  - Ensuring that students do not have electronic devices or access to unauthorized aids, including visual aids posted in classrooms, prior to or during testing;
  - Creating, managing and closing test sessions in the Test Delivery System for computer-based assessments;
  - Monitoring the testing room at all times during testing;

- Protocols that must be followed during breaks in testing or individual student restroom breaks;
- Providing the correct amount of time for each test session;
- Maintaining required documentation, including administration information, seating charts, and security logs;
- Contacting the School Assessment Coordinator in case of an emergency or one of the following situations:
  - A student has not participated in a required practice test session;
  - A computer-based testing student has technical difficulties;
  - A student refuses to acknowledge the testing rules;
  - A student is unable (e.g., too ill) to start or finish the test; or
  - A disruption occurs (e.g., a technical disruption, power outage, disruptive behavior).
- Providing accommodations correctly to students with disabilities in accordance with Rule 6A-19.001 and Rule 6A-1.0943, F.A.C., as well as each student’s Individual Education Plan or Section 504 Plan, for individuals administering assessments to students with disabilities;
- Providing accommodations correctly to English Language Learners in accordance with Rule 6A-6.09091, F.A.C., for individuals administering assessments to English Language Learners; and
- Reporting testing irregularities or missing materials to the School Assessment Coordinator.

**Proctors** assist Test Administrators by monitoring the testing room during testing. Proctors are permitted to perform other duties to assist the test administrator, such as distributing non-secure materials (e.g., pencils, planning sheets) and contacting school staff during testing, but they may not handle secure test materials or administer assessments or accommodations to students. Proctor training must cover the following topics:

- Reading the test administration security policies and procedures portion of the test administration manuals for assessments they will proctor;
- Monitoring the testing room at all times during testing;
- Distributing and collecting non-secure test materials;
- Allowable accommodations that will be provided to students in the testing room, if applicable;
- Distributing and collecting non-secure test materials;
- Contacting school staff in case of an emergency, disruption, or technical difficulty; and
- Reporting testing irregularities or test administrator misconduct to the School Assessment Coordinator.



**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-1.094222, Standards for Mid-Year Promotion of Retained Third Graders

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1008.25, Florida Statutes

**EXECUTIVE SUMMARY**

The purpose of this amendment is to update the rule based on revisions made to Section 1008.25, F.S., House Bill 7069. The mid-year promotion rule provides directives on an alternative means of promotion for students retained in third grade who demonstrate the ability to master the necessary reading skills in order to be successful in fourth grade. Should this situation occur, this rule provides specific criteria for determining the students who are eligible for mid-year promotion and the process through which they must demonstrate their reading ability.

Additional criteria are provided based on the time of year in which the promotion is occurring.

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**Supporting Documentation Included:** Proposed Rule 6A-1.094222, F.A.C.

**Facilitator:** Hershel Lyons, Chancellor of Public Schools



**6A-1.094222 Standards for Mid-Year Promotion of Retained Third Graders.**

Effective with the 2004-2005 school year, district school boards are required to adopt and implement a policy for the mid-year promotion of any student retained in third grade due to a reading deficiency as required by Section 1008.25(5)(b), F.S. Such mid-year promotions of retained third grade students should occur during the first semester of the academic year.

(1) To be eligible for mid-year promotion, a student must demonstrate that he or she:

(a) Is a successful and independent reader as demonstrated by reading at or above grade level;

(b) Has progressed sufficiently to master appropriate fourth grade reading skills; and met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(c) Has met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(2) The criteria for students promoted on or before November 1 must ~~Standards that~~ provide a reasonable expectation that the student has met the requirements of paragraphs (1)(a)-(c) ~~(b)~~ of this rule including the mastery of third grade reading skills as presented in the English Language Arts Florida Standards scope and sequence of the school district's core reading program. Evidence of ~~demonstrated mastery~~ is as follows:

(a) Satisfactory performance on locally selected standardized assessment(s) measuring English Language Arts Florida Standards as specified ~~Successful completion of portfolio elements that meet state criteria in subsection (4)~~ ~~(3)~~ of this rule; ~~or~~

(b) Satisfactory performance on a state approved alternative assessment as delineated in State Board Rule 6A-1.094221; or locally selected standardized assessment measuring English Language Arts Standards as specified in subsection (4) of this rule.

(c) Successful completion of portfolio elements that meet state criteria in subsection (3) of this rule.

(3) To promote a student mid-year using a student portfolio, as provided for in paragraph (2)(c) ~~(a)~~ of this rule, there must be evidence of the student's mastery of third grade English Language Arts Florida Standards. The student portfolio must meet the following requirements:

(a) Be selected by the school district ~~student's teacher~~;

(b) No change.

(c) Include evidence of mastery of the standards assessed by the grade ~~three~~ 3 Reading FCAT or the statewide English Language Arts Florida Standards assessment when implemented as required by Rule 6A-1.094221, F.A.C.; ~~and Evidence can include successful completion of multiple choice items and text-based responses, chapter or unit tests from the district or school adopted core reading curriculum, or the state-provided third grade student portfolio. Portfolios should contain 50% literary and 50% informational texts.~~

(d) No change.

(4) The criteria for students promoted after November 1 must provide a reasonable expectation that the student has met the requirements of sections (1)-(3) of this rule and that the student's progress is sufficient to master appropriate grade four level reading skills. These students must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade four. ~~To promote a student mid-year based on performance on a locally selected standardized assessment measuring English Language Arts Florida Standards, as provided for in paragraph (2)(b) of this rule, there must be evidence that the student scored at or above 3rd grade level in reading comprehension.~~

(5) No change.

Rulemaking Authority 1008.25(9) FS. Law Implemented 1008.25(7)(b)3. FS. History--New 12-19-04, Amended 4-21-11, 2-17-15,

**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-6.03028, Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.4282, 1003.55, 1003.57, 1003.571, 1003.5715, 1008.22, Florida Statutes

**EXECUTIVE SUMMARY**

This amendment updates language regarding revised IEP content and IEP team membership (when a student is a student with a disability and is also identified as gifted), deletes the phrase "to the extent appropriate" with regard to district's obligation to invite an agency representative who may be responsible for providing or paying for transition services, and adds factors that an IEP team must consider when addressing a student's need for extended school year services.

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**Supporting Documentation Included:** Rule 6A-6.03028, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.03028 Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities.**

(1) Entitlement to FAPE. All students with disabilities aged three (3) through twenty-one (21) residing in the state have the right to FAPE consistent with the requirements of Section 1003.571, F.S. and Rules 6A-6.03011 through 6A-6.0361 ~~.0361~~, F.A.C. FAPE shall be made available to students with disabilities, including students who have been suspended or expelled, and any individual student with a disability who needs special education and related services, even though the student has not failed or been retained in a course or grade, and is advancing from grade to grade. The obligation to make FAPE available to all students with disabilities does not apply with respect to the following:

(a) through (b) No change.

1. Were not actually identified as being a child with a disability pursuant to Rules 6A-6.03011 through 6A-6.0361 ~~.0361~~, F.A.C.; and,

2. Did not have an individual educational plan (IEP) in accordance with this rule.

(c) The exception in paragraph (b) of this section does not apply to students with disabilities, aged eighteen (18) through twenty-one (21), who:

1. Had been identified as a student with a disability under Rules 6A-6.03011 through 6A-6.0361 ~~.0361~~, F.A.C., and had received services in accordance with an IEP, but who left school prior to their incarceration; or

2. Did not have an IEP in their last educational setting, but who had actually been identified as a student with a disability under Rules 6A-6.03011 through 6A-6.0361 ~~.0361~~, F.A.C.

(2) Treatment of charter school students. Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361 ~~.0361~~, F.A.C. In carrying out Part B of the Individuals with Disabilities Education Act (IDEA) and Rules 6A-6.03011 through 6A-6.0361 ~~.0361~~, F.A.C., with respect to charter schools that are public schools of the school district, the school district must serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools and provide funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools, including proportional distribution based on relative enrollment of

students with disabilities and at the same time as the school district distributes other Federal funds to its other public schools.

(3) IEP ~~r~~Requirements. An IEP must be developed, reviewed, and revised for each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, in accordance with this rule. For a student identified as gifted in accordance with Rule 6A-6.03019, F.A.C., and who is also identified as a student with a disability, as defined in paragraph 6A-6.03411(1)(f), F.A.C., the strengths, needs and services associated with a student's giftedness must be addressed in the student's IEP. Parents are partners with schools and school district personnel in developing, reviewing, and revising the IEP for their student. For the purposes of this rule, the term parents also includes legal guardians.

(a) Role of parents. The role of parents in developing IEPs includes, ~~but is not limited to:~~

1. through 6. No change.

(b) Parent participation in meetings. Each school district shall establish procedures that provide the opportunity for one or both of the student's parents to participate in meetings and decisions concerning the IEP for the student. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their student. Procedures to ensure participation in meetings shall include the following:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend. Any time an IEP meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Standards Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school shall provide the notice to the parent at least ten (10) days prior to the meeting. The meeting may be convened prior to the tenth day if the parent consents upon receipt of the written notice; and,

2. through (c)3. No change.

4. At least one (1) teacher of the gifted, if the team is developing an IEP for a student who is also identified as gifted in accordance with Rule 6A-6.03019, F.A.C.

5. 4- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the



school district, the student's special education teacher may be designated to also serve as the representative of the school district if the teacher meets the requirements described in this paragraph;

~~6. 5.~~ An individual who can interpret the instructional implications of evaluation results who may be a member of the IEP Team as described in subparagraphs (3)(c)3., 4. or 5. ~~or (3)(c)4.~~ of this rule;

~~7. 6.~~ At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of the knowledge or special expertise of any such individual shall be made by the party who invited the individual to be a member of the IEP Team; and,

~~8. 7.~~ The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the IEP meeting to identify transition services needs or consider postsecondary and career goals and transition services, the school district shall take other steps to ensure that the student's preferences and interests are considered.

~~9. 8. To the extent appropriate and~~ With the consent of the parents or a student who has reached the age of majority, the school district shall invite a representative of any participating agency that may be responsible for providing or paying for transition services. Parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

~~10. 9.~~ In the case of a child who was previously served and received early intervention services under Part C of the IDEA, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

(d) IEP Team member excusal. A member of the IEP Team described in subparagraphs (3)(c)2. through (3)(c)6. of this rule ~~or (3)(c)3. or (3)(c)4. or (3)(c)5. above~~, is not required to attend an IEP Team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting. Any such member of the IEP Team may also be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the

curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

(e) Transition of children with disabilities from the infants and toddlers early intervention program.

1. By the third (3rd) birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with this rule or an individual family support plan (IFSP) consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.

2. No change.

3. If the child's third (3rd) birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP individual family support plan will begin.

(f) No change.

(g) Considerations in IEP development, review, and revision for students with disabilities. The IEP Team shall consider the following in IEP development, review, and revision:

1. through 2. No change.

3. As appropriate, the results of the student's performance on any general statewide or districtwide ~~district-wide~~ assessment;

4. The academic, developmental, and functional needs of the student;

5. In the case of a student who has also been identified as a student who is gifted in accordance with Rule 6A-6.03019, F.A.C., the IEP shall address the gifted and disability related needs of the student.

6. 5. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior;

7. 6. In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's IEP;

8. 7. In the case of a student who is blind or visually impaired, provision of instruction in bBraille and the use of bBraille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, including future needs, and appropriate reading and writing media (including an evaluation of the student's future need for instruction in bBraille or the use of bBraille), that instruction in bBraille or the use of bBraille is not appropriate for the student;

9. 8. The communication needs of the student;

~~10. 9.~~ In the case of a student who is deaf or hard-of-hearing or dual-sensory impaired, the Communication Plan form 313189, effective December 2014, is available at (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04776>) or may be obtained from the Florida Department of Education, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, FL 32399. The Communication Plan form is incorporated by reference and shall be used to address; the student's language and communication needs; opportunities for direct communications with peers and professional personnel in the student's language and communication mode; academic level; and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

~~11. 40.~~ Whether the student requires assistive technology devices and services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the IEP Team determines that the student needs access to those devices in order to receive a FAPE ~~free appropriate public education~~; and,

~~12. 44.~~ At least annually, whether extended school year (ESY) services are necessary for the provision of a FAPE ~~free appropriate public education~~ to the student consistent with the following:

a. ESY ~~Extended school year~~ services (ESY) must be provided if a student's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the student.

b. When determining whether ESY services are necessary, the IEP Team must consider all of the following factors:

(I) Whether there is a likelihood that significant regression will occur in critical life skills related to the following areas:

(A) Academics or for prekindergarten children with disabilities, developmentally appropriate pre-academic skills;

(B) Communication;

(C) Independent functioning and self-sufficiency; and,

(D) Social or emotional development or behavior.

(II) Whether the student is at a crucial stage in the development of a critical life skill or an emerging skill and a lapse in services would substantially jeopardize the student's chances of learning that skill:

(III) Whether the nature or severity of the student's disability is such that the student would be unlikely to benefit from their education without the provision of ESY services; and

(IV) Extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without ESY services. Examples include the following: a student who had recently obtained paid supported employment and requires the services of a job coach in order to be successful; a student who requires ESY services in order to remain in his or her existing least restrictive environment (LRE) and prevent movement to a more restrictive setting; and a student whose frequent health-related absences have significantly impeded progress on goals related to critical life skills.

c. b. School districts may not limit ESY to particular categories of disability or unilaterally limit the type, amount, or duration of those services.

~~13. 12.~~ If, after consideration of the factors in paragraph (3)(g) of this rule, the IEP Team determines that a student needs a particular device or service, including an intervention, accommodation or other program modification, in order for the student to receive a FAPE free appropriate public education, the IEP must include a statement to that effect.

(h) Contents of the IEP. The IEP for each student with a disability must include:

1. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities;~~;~~ For a student identified as gifted and who is also identified as a student with a disability, the statement of the student's present levels of academic achievement must include the student's strengths, interests and needs beyond the general curriculum that result from the student's giftedness;

2. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability;~~;~~ For students also identified as gifted, the IEP must include a statement of measurable annual goals that result from the student's giftedness;

3. A description of benchmarks or short-term objectives for:

a. Students with disabilities who take alternate assessments aligned to alternate achievement standards; or

b. Any other student with a disability, at the discretion of the IEP Team.

4. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the classroom accommodations, modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in subparagraph (3)(h)4.7 of this rule;

5. A statement of any individual appropriate accommodations in the administration of statewide standardized assessments as described in Section 1008.22(3), F.S., or district assessments of student achievement that are necessary in order to measure the academic achievement and functional performance of the student on the assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with Section 1008.22(3)(c)3., F.S. If the IEP Team determines that the student will take the Florida Standards Alternate Assessment instead of other statewide standardized assessments or an alternate district assessment of student achievement, the IEP must include a statement of why the student cannot ~~can not~~ participate in other statewide standardized assessments or district assessments and, if applicable, why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide assessment program as a result of being granted an extraordinary exemption in accordance with the provisions of Section 1008.212, F.S., or a medically complex exemption in accordance with Section 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with Section 1008.22(3), F.S.

6. The projected date for the beginning of the special education, services, accommodations and modifications described in subparagraph (3)(h)4.7 of this rule and the anticipated frequency, location, and duration of those services;

7. No change.

8. Before attaining the age of fourteen (14), in order to ensure quality transition planning and services, IEP Teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

a. A statement of intent to pursue a standard high school diploma pursuant to Sections 1003.4282(1)-(9), ~~(11)~~, F.S., or 1003.4282(10), F.S., and a Scholar or Merit designation in accordance with Section 1003.4285, F.S., as determined by the parent;

b. through 11. No change.

(i) ~~Least restrictive environment (LRE)~~ and placement determinations. Placement determinations shall be made in accordance with the LRE ~~least restrictive environment~~ provisions of the IDEA, as follows:

1. through (k) No changes.

(l) Students with disabilities in adult prisons. The requirements of this rule relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of the IDEA and Rules 6A-6.03011 through 6A-6.0361 ~~-0361~~, F.A.C., will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP Team of a student with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated, and the requirements relating to IEP content and LRE do not apply with respect to such modifications made.

(m) No change.

(n) IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

1. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

a. Ensure that the student has all of the rights of a student with a disability who is served by a school district.

b. Before the school district places the student, initiate and conduct a meeting to develop an IEP for the student, in accordance with this rule or for children ages three (3) through five (5), an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361 ~~-0361~~, F.A.C.; and,

c. through (o) No change.

(p) Procedures for routine checking of hearing aids and external components of surgically implanted medical devices. Each school district must ensure that hearing aids worn in school by students with hearing impairments, including deafness, are functioning properly and must ensure that the external components of surgically implanted medical devices are functioning properly. For a student with a surgically implanted medical device who is receiving special education and related services under Rules 6A-6.03011 through 6A-6.0361 ~~-0361~~, F.A.C., a school district is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

(q) Procedures for students with disabilities who are covered by public benefits or insurance. A school district may use the Medicaid or other public benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361 ~~-0361~~, F.A.C., as permitted under the public benefits or insurance program, except as provided herein.

1. through (IV) No change.

d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in sub-subparagraph ~~e. of paragraph (3)~~ (q)1.d. of this rule, the school district must obtain written, parental consent that specifies:

(I) through (III) No change.

(IV) That the parent understands and agrees that the school district may access the parent's or student's public benefits or insurance to pay for services required under Rules 6A-6.03011 through 6A-6.0361 ~~-0361~~, F.A.C.

e. Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the school district must provide written notification consistent with the requirements found in paragraphs 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes:

(I) A statement of the parental consent provision in sub-subparagraph ~~(3)(q)1.d. of this rule~~ e. of this paragraph;

(II) A statement of the no cost provisions of subparagraph (3)(q)1. of this rule;

(III) through 3. No change.

(r) Access to ~~i~~nstructional ~~m~~aterials. Each school district must take all reasonable steps to provide instructional materials in accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials.

(s) through (t) No change.

*Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.4282, 1003.55, 1003.57, 1003.571, 1003.5715, 1008.22 FS.*

*Law Implemented 1002.33, 1003.01(3)(a), (b), 1003.4203, 1003.4282, 1003.55, 1003.57, 1003.571, 1003.5715, 1003.5716,*

*1008.22 FS. History—New 7-13-93, Amended 10-17-04, 12-22-08, 12-15-09, 3-25-14, 12-23-14.*



STATE BOARD OF EDUCATION  
Consent Item  
December 4, 2015

SUBJECT: Approval of Amendment to Rule 6M-8.610, Voluntary Prekindergarten (VPK) Director Credential for Private Providers

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PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.213(2), Florida Statutes

EXECUTIVE SUMMARY

The Office of Early Learning (OEL) administers federal and state child care funds and partners with 30 local early learning coalitions to deliver comprehensive early learning services statewide. The office oversees three programs—the School Readiness Program, the Voluntary Prekindergarten (VPK) Education Program, and Child Care Resource and Referral services. OEL is required to submit its proposed rules to the State Board of Education for approval.

The rule establishes requirements for successful completion of the Voluntary Prekindergarten (VPK) Education Program Director Credential. The proposed amendment simplifies the process for individuals seeking the VPK director credential. It also clearly names the required courses that were previously only incorporated by reference and indicates which courses are available online.

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Supporting Documentation Included: Proposed Rule 6M-8.610, F.A.C.

Facilitator: Rodney MacKinnon, Executive Director, Office of Early Learning



Substantial rewording of Rule 6M-8.610 follows. See Florida Administrative Code for present text.

**6M-8.610 Voluntary Prekindergarten (VPK) Director Credential for Private Providers.**

(1) A private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Credential. Successful completion of the Director Credential, as required by section 402.305(2)(f), F.S., and Rule 65C-22.003(8)(a), F.A.C., prior to December 31, 2006, shall satisfy this requirement.

(2) In accordance with section 1002.57(1), F.S., the Office of Early Learning (OEL) adopts the following minimum standards for a VPK Director Credential. The VPK Director Credential must include each the following:

(a) An instructor-led or online course, approved by OEL, on the VPK performance standards adopted under Rule 6M-8.602, F.A.C.

(b) An online training course, approved by OEL, on emergent literacy standards adopted under Rule 6M-8.615, F.A.C.

(c) An online course, approved by OEL, that addresses the following VPK Director competencies:

1. Organizational Leadership and Management – To implement strategies and techniques that promote a responsive work and learning environment, VPK directors shall be able to demonstrate knowledge and application of:

a. Management strategies that support a professional culture and climate;

b. Instructional leadership skills and the provision of supports to VPK instructors;

c. Available resources and supports for VPK instructors and parents; and

d. Local processes and procedures for the transition of VPK children to public and private kindergarten programs.

2. Financial and Legal – To maintain effective financial planning and budgeting systems and sound practices related to legal obligations and responsibilities, VPK directors shall be able to demonstrate knowledge and application of:

a. Applicable laws and rules and legal responsibilities;

b. Roles and responsibilities of state agencies, local coalitions, and providers;

c. Monitoring requirements; and

d. Financial operating procedures.

3. Program and Performance Standards – To maintain an instructional leadership role in creating and sustaining an effective learning environment, VPK directors shall be able to demonstrate knowledge and application of:

a. Developmentally appropriate and research-based instructional practices and their application in the classroom;

b. Evaluation of the appropriateness and effectiveness of available prekindergarten curricula;

c. Effective implementation of a prekindergarten curriculum in the classroom;

d. Effective instructional strategies for children with disabilities or other special needs and for English language learners;

e. Developmentally appropriate methods for the on-going assessment of young children and interpretation of these data for program planning and the delivery of instruction; and

f. Local and state accountability systems; and

(d) Education and onsite experience through the successful completion of the Director Credential, as established in Rule 65C-22.003(8)(a), F.A.C.

(3) The following OEL approved courses and credential will satisfy the minimum standards for the VPK Director Credential as established in paragraph (2) of this rule:

(a) DOE- Standards for Four-Year-Olds or Florida Standards for Four-Year-Olds- Online; and

(b) Emergent Literacy for VPK Instructors; and

(c) VPK Director Credential course; and

(d) A Director Credential issued in accordance with Rule 65C-22.003(8)(a), F.A.C.

(4)(a) A VPK Director Credential will be issued to an individual that has successfully completed all of the requirements established paragraph (3) of this rule.

(b) For purposes of this rule “successfully completed” is defined as follows:

1. For the online courses, an eighty percent passing rate on the course test.

2. For the DOE- Standards for Four-Year-Olds course, attendance and participation in full course, as verified by the OEL approved instructor of the course.

3. For the Director’s Credential, a current credential issued in accordance with Rule 65C-22.003(8)(a), F.A.C.

*Rulemaking Authority 1001.213, 1002.57(1), 1002.79 FS. Law Implemented 1002.55(3)(g), 1002.57 FS. History—  
New 12-31-06, Amended 5-19-08, Formerly 6A-6.040, Amended*



**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of the Florida College System Employment Equity Accountability Program Progress Report: 2010-2011 through 2014-2015

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**6**

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1012.86, Florida Statutes

**EXECUTIVE SUMMARY**

Pursuant to section 1012.86, Florida Statutes, each Florida College System institution shall develop a plan for increasing the representation of minorities and females in specific employment positions: senior level administrative positions, full-time faculty, and employees who have attained continuing contract status for instructional positions. The statute requires that the plans include measurable goals, objectives, strategies and timelines for accomplishing these goals and objectives. The statute also requires that college presidents and the heads of each college’s major administrative divisions be evaluated annually on the progress made toward meeting the goals and objectives of the college’s plan. Each college president is also required to annually update their respective employment accountability plan. This information is the foundation for The Florida College System Employment Equity Accountability Program Progress Report. It reflects progress made toward diversity in employment and recruitment that has occurred in Florida’s College System during the school years, 2010-2011 through 2014-2015.

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**Supporting Documentation Included:** [The Division of Florida Colleges Employment Equity Accountability Program Progress Report for 2010-2011 through 2014-2015](#) (under separate cover)

**Facilitator:** Madeline Pumariega, Chancellor, Florida College System





State Board of Education  
Consent Item  
December 4, 2015

SUBJECT: Adoption of Resolutions Authorizing the Issuance and Sale of Not Exceeding \$145,000,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay (PECO) Refunding Bonds, 2016 Series (to be determined)

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PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Subsection (a)(2) of Section 9 of Article XII of the Constitution of Florida, as amended

EXECUTIVE SUMMARY

The Division of Bond Finance of the State Board of Administration requests the State Board of Education to adopt 1) the Sixtieth Supplemental Authorizing Resolution to the Master Authorizing Resolution adopted on July 21, 1992, authorizing the issuance of not exceeding \$145,000,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay (PECO) Refunding Bonds, 2016 Series (to be determined), and 2) a resolution authorizing the competitive sale and delivery of not exceeding \$145,000,000 of such bonds (the "Bonds").

The Sixtieth Supplemental Authorizing Resolution includes the authorization for bonds necessary to refinance a portion of certain outstanding PECO Bonds and Refunding Bonds. The Bonds will be secured primarily by gross receipts taxes, and will be additionally secured by the full faith and credit of the state.

The sale resolution authorizes the Division of Bond Finance of the State Board of Administration to prepare and publish a notice of bond sale for the Bonds (via a competitive sale), authorizes the preparation and execution of a preliminary and final official statement, and provides certain other details and authorizations in connection with the sale and issuance of the Bonds.

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Supporting Documentation Included: Sixtieth Supplemental Authorizing Resolution and Sale Resolution

Facilitator: Linda Champion, Deputy Commissioner, Finance and Operations



**STATE OF FLORIDA**  
**FULL FAITH AND CREDIT**  
**STATE BOARD OF EDUCATION**  
**PUBLIC EDUCATION CAPITAL OUTLAY BONDS**

**SIXTIETH SUPPLEMENTAL AUTHORIZING RESOLUTION**  
**PROVIDING FOR THE**  
**ISSUANCE OF**  
**PUBLIC EDUCATION CAPITAL OUTLAY REFUNDING BONDS**  
**2016 SERIES (TO BE DETERMINED)**

**December 4, 2015**

**A RESOLUTION SUPPLEMENTING A RESOLUTION ENTITLED “A RESOLUTION AUTHORIZING THE ISSUANCE OF STATE OF FLORIDA, FULL FAITH AND CREDIT, STATE BOARD OF EDUCATION PUBLIC EDUCATION CAPITAL OUTLAY BONDS, FOR THE PURPOSE OF FINANCING AND REFINANCING THE COST OF CAPITAL OUTLAY PROJECTS FOR THE STATE SYSTEM OF PUBLIC EDUCATION IN FLORIDA, PURSUANT TO SUBSECTION (A)(2) OF SECTION 9 OF ARTICLE XII OF THE CONSTITUTION OF FLORIDA, AS AMENDED; PROVIDING THE TERMS AND CONDITIONS UPON WHICH SUCH BONDS MAY BE ISSUED; AND PROVIDING AN EFFECTIVE DATE”, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$145,000,000 PUBLIC EDUCATION CAPITAL OUTLAY REFUNDING BONDS, 2016 SERIES (TO BE DETERMINED) FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE OUTSTANDING STATE OF FLORIDA, FULL FAITH AND CREDIT, STATE BOARD OF EDUCATION PUBLIC EDUCATION CAPITAL OUTLAY REFUNDING BONDS, 2007 SERIES A, AND PROVIDING AN EFFECTIVE DATE.**

BE IT RESOLVED BY THE STATE BOARD OF EDUCATION OF FLORIDA:

ARTICLE I  
AUTHORITY, DEFINITIONS AND FINDINGS

Section 1.01. AUTHORITY FOR THIS RESOLUTION. This Sixtieth Supplemental Authorizing Resolution is adopted pursuant to the provisions of the Act.

Section 1.02. DEFINITIONS. (a) All of the definitions contained in Section 1.02 of the Master Resolution shall be deemed applicable to this Sixtieth Supplemental Authorizing Resolution, except to the extent that the same are inconsistent or in conflict with the definitions set forth below.

(b) The following terms shall have the following meanings in this Sixtieth Supplemental Authorizing Resolution:

“Escrow Deposit Agreement” shall mean the agreement provided for in Section 4.02(a) of this Resolution.

“Federal Obligations” shall mean direct obligations of the United States of America, Resolution Funding Corporation (“REFCORP”) interest strips, or direct non-prepayable obligations the principal and interest on which are unconditionally guaranteed as to full and timely payment by the United States of America, none of which permit redemption prior to maturity at the option of the obligor. Federal Obligations shall not mean unit investment trusts and mutual funds.

“Sixtieth Supplemental Authorizing Resolution” shall mean this Sixtieth Supplemental Authorizing Resolution.

“Master Resolution” shall mean the Master Resolution adopted by the State Board on July 21, 1992, authorizing the issuance of Public Education Capital Outlay Bonds.

“Parity Bonds” shall mean all Bonds which are currently Outstanding and any other Bonds which may be issued under the Master Resolution prior to the issuance of the Refunding Bonds.

“Refunded Bonds” shall mean all or a portion of the Outstanding State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Refunding Bonds, 2007 Series A, which will be refunded by the Refunding Bonds.

“Refunding Bonds” shall mean the not exceeding \$145,000,000 Public Education Capital Outlay Refunding Bonds, 2016 Series (to be determined), issued pursuant to this Sixtieth Supplemental Authorizing Resolution.

“Retirement Fund” shall mean the State of Florida, Full Faith and Credit, State Board of Education, 2016 Series (to be determined) Public Education Capital Outlay Refunding Bonds Retirement Fund created pursuant to Section 4.01(c) hereof.

“Retirement (or Refunding) of the Refunded Bonds” or words of similar import, shall mean the payment of the principal of the Refunded Bonds, redemption premiums, if any, the interest payable on the Refunded Bonds through the date of redemption thereof, and the fees and expenses in connection with retirement of the Refunded Bonds.

Section 1.03. FINDINGS. It is hereby found, determined and declared by the State Board as follows:

(a) That it is desirable and in the best interests of the citizens of Florida and of the State Board to refund the Refunded Bonds, thereby obtaining a lower net average interest cost rate.

(b) That the Refunded Bonds, or any portion thereof, may be refunded in accordance with Article XII, Section 9(a)(2) of the State Constitution and Section 215.61, Florida Statutes.

(c) That the amount of Refunding Bonds authorized to be issued by this Sixtieth Supplemental Authorizing Resolution, together with the Parity Bonds and the Prior Lien Obligations remaining Outstanding after the refunding contemplated hereby, does not exceed ninety per centum (90%) of the amount of such Refunding Bonds which the State Board has found and determined, and does by the adoption of this Sixtieth Supplemental Authorizing Resolution find and determine, can be serviced as to both principal and interest from the Gross Receipts Taxes accruing to the State System under the provisions of the Public Education Bond Amendment.

(d) That this State Board is legally authorized to issue the Refunding Bonds authorized by this Sixtieth Supplemental Authorizing Resolution pursuant to the terms, restrictions and conditions contained in the Master Resolution.

(e) That the Division of Bond Finance shall serve as the agent of the State Board with respect to the Refunding Bonds, pursuant to the provisions of Section 215.61(4), Florida Statutes.

ARTICLE II  
AUTHORIZATION OF REFUNDING

There is hereby authorized the refunding of the Refunded Bonds to be accomplished in the manner hereinafter provided.

ARTICLE III  
AUTHORIZATION AND TERMS OF REFUNDING BONDS

Section 3.01. AUTHORIZATION OF REFUNDING BONDS. Subject and pursuant to the provisions of this Sixtieth Supplemental Authorizing Resolution, bonds of the State Board are hereby authorized to be issued in the aggregate principal amount of not exceeding \$145,000,000. Such bonds shall each be designated "State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Refunding Bonds, 2016 Series (to be determined)" (such series designation to be determined by the Director of the Division), provided, however, that such bonds may be sold and issued in one or more series, and may be sold in conjunction with new money or other refunding Public Education Capital Outlay Bonds; if sold and issued in more than one series, the designation of each series of such bonds shall be determined by the Director of the Division. The Refunding Bonds shall be issued under and secured by the Master Resolution, as supplemented by this Sixtieth Supplemental Authorizing Resolution, and all the terms and provisions contained in the Master Resolution shall be applicable to the Refunding Bonds, except as expressly set forth herein, including the pledge of the Gross Receipts Taxes and the pledge of the Full Faith and Credit of the State of Florida to the payment of the principal, premium if any, and interest on the Refunding Bonds.

Section 3.02. DESCRIPTION OF REFUNDING BONDS. Except as provided by subsequent resolution adopted prior to the sale of any Series thereof, the Refunding Bonds shall be issued only as fully registered bonds without coupons in the denominations of \$1,000 or any integral multiple thereof; shall be dated and mature as determined pursuant to a subsequent resolution adopted by the State Board on or prior to the sale of the Refunding Bonds; shall bear interest at not exceeding the maximum lawful rate of interest authorized on the date of sale of the Refunding Bonds, payable semi-annually on June 1 and December 1 of each year; and shall be payable as to both principal and interest, shall be subject to registration, exchange, and transfer, shall be executed and authenticated, shall be subject to prior redemption in the manner, shall be in the form, and shall have such other terms as set forth in Article III of the Master Resolution.

The Refunding Bonds may be made redeemable at the option of the State Board upon such terms and conditions as determined pursuant to a subsequent resolution adopted by the State Board prior to the issuance of the Refunding Bonds.

Section 3.03 DELEGATION OF SALE OF THE REFUNDING BONDS. The Refunding Bonds shall be sold at competitive sale and may be sold at one time or in multiple Series from time to time as hereinafter provided.

In order to take advantage of opportunities as and when they arise in the municipal market, the State Board hereby authorizes the Division of Bond Finance, as agent for the State Board, to determine the financing structure and method of sale of the Refunding Bonds. The Division of Bond Finance, as agent for the State Board, is hereby authorized and directed to determine when, if, where and in what principal amount (if less than the full authorized amount) the Refunding Bonds shall be offered for sale, to determine the method(s) by which bids will be accepted, and to determine the specific fiscal details of the Refunding Bonds (or Series thereof) to be sold.

ARTICLE IV  
APPLICATION OF BOND PROCEEDS

Section 4.01. APPLICATION OF REFUNDING BOND PROCEEDS. Upon receipt of the proceeds of the Refunding Bonds, the State Board shall transfer and apply such proceeds as follows:

(a) The amount necessary to pay all costs and expenses of the Division of Bond Finance in connection with the preparation, sale and issuance of the Refunding Bonds, including a reasonable charge for the services of the Division of Bond Finance, shall be transferred to the Division of Bond Finance to be deposited in the Bond Proceeds Trust Fund, subject to disbursement of the funds to the Bond Fee Trust Fund and the Arbitrage Compliance Trust Fund pursuant to written instructions at the delivery of the Refunding Bonds unless such amount shall be provided from another legally available source.

(b) The accrued interest on the Refunding Bonds, plus an amount determined in the sole discretion of the State Board and the Division of Bond Finance as being necessary, together with such accrued interest, to provide for the payment of interest on the Refunding Bonds for a period not to exceed 12 months from the date of issuance of the Refunding Bonds shall be transferred to the Board of Administration and deposited in the Sinking Fund created by the Master Resolution.

(c) All remaining proceeds shall be transferred to the Board of Administration for deposit into a trust fund, hereby created, to be known as the "State of Florida, Full Faith and Credit, State Board of Education, 2016 Series (to be determined) Public Education Capital Outlay Refunding Bonds Retirement Fund" (hereinafter referred to as the "Retirement Fund") or deposited with the Bond Registrar/Paying Agent. Such amount, together with the income on the investment thereof and other available monies (if necessary), shall be sufficient to pay when due the entire principal of the Refunded Bonds, together with interest accrued and to accrue thereon to their respective maturity dates or, if called for redemption prior to maturity, such prior redemption dates and redemption premiums, if any, and the expenses and fees listed in the Escrow Deposit Agreement as hereinafter provided in Section 4.02(a) below. The Director of the Division of Bond Finance is authorized to determine the redemption date of the Refunded Bonds, provide for the publication of any notice of redemption and take any other actions necessary or desirable to refund and redeem the Refunded Bonds.

Section 4.02. RETIREMENT FUND. The moneys deposited by the Board of Administration in the Retirement Fund shall be administered and applied as follows:

(a) The Retirement Fund shall be held in irrevocable trust by the Board of Administration and, except as provided in subsection (b) of this Section 4.02, shall be applied solely to refund the Refunded Bonds and to the payment of the fees and expenses incurred in connection with such refunding. The application of the moneys in the Retirement Fund shall be made for said purposes pursuant to an Escrow Deposit Agreement to be entered into between the State Board and the Board of Administration, in the form normally utilized by the State Board.

(b) Moneys on deposit in the Retirement Fund shall be used to purchase Federal Obligations in accordance with the schedules given in the Escrow Deposit Agreement. The maturing Federal Obligations, the earnings thereon, and the cash on deposit in the Retirement Fund shall be sufficient to accomplish the refunding described above in Section 4.01(c). In the alternative, in the discretion of the Director of the Division of Bond Finance, moneys on deposit in the retirement fund shall be invested in the State Treasury, or in such other legally authorized investments, or held uninvested, until such time as such funds are needed to effect the redemption of the Refunded Bonds.

Section 4.03. REGISTERED OWNERS NOT AFFECTED BY APPLICATION OF REFUNDING BOND PROCEEDS. The proceeds derived from the sale of the Refunding Bonds shall be applied and disbursed pursuant to the provisions of the Act and this Sixtieth Supplemental Authorizing Resolution. The Registered Owners of Refunding Bonds shall not have any responsibility whatsoever for the application or use of any of the proceeds derived from the sale of the Refunding Bonds, and the rights and remedies of the Registered Owners of Refunding Bonds and their right to payment, pursuant to the Public Education Bond

Amendment and this Sixtieth Supplemental Authorizing Resolution, shall not be affected or impaired by the application or use of such proceeds. Upon the issuance of the Refunding Bonds authorized by this Sixtieth Supplemental Authorizing Resolution, all the covenants and agreements between the State Board and the Registered Owners of Refunding Bonds contained in this Sixtieth Supplemental Authorizing Resolution shall be valid and binding covenants and agreements between the State Board and the Registered Owners of Refunding Bonds without regard to the application of the proceeds of the Refunding Bonds.

ARTICLE V  
APPLICATION OF PROVISIONS OF MASTER RESOLUTION  
AND SECURITY FOR THE REFUNDING BONDS

The Refunding Bonds herein authorized shall for all purposes (except as herein expressly changed) be considered to be Additional Parity Bonds issued under the authority of the Master Resolution and shall be entitled to all the protection and security provided therein for the Parity Bonds.

The covenants and pledges contained in the Master Resolution (to the extent the same are not inconsistent with the provisions hereof) shall be applicable to the Refunding Bonds herein authorized in like manner as applicable to the Parity Bonds, and the Funds and Accounts established in the Master Resolution shall be continued and maintained as long as any of the Refunding Bonds and interest thereon issued hereunder are outstanding and unpaid. The principal of and interest on the Refunding Bonds herein authorized shall be payable from the Sinking Fund heretofore established by the Master Resolution on a parity with the Parity Bonds, and payment shall be made into such Sinking Fund from the Public Education Fund in amounts fully sufficient to pay the principal of and interest on the Refunding Bonds herein authorized as such principal and interest become due.

ARTICLE VI  
MISCELLANEOUS

Section 6.01. CONTINUING DISCLOSURE. (a) In order to comply with Rule 15c2-12 of the Securities and Exchange Commission, the State Board hereby agrees to provide or cause to be provided such information as may be required, from time to time, under such rule.

(b) The Commissioner or Deputy Commissioner of Education, in conjunction with the appropriate officer of the Division, is authorized and directed to execute and deliver any documents or agreements which are necessary to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission.

Section 6.02. SEVERABILITY OF PROVISIONS. If any one or more of the covenants, agreements or provisions of this Sixtieth Supplemental Authorizing Resolution shall be held contrary to any express provision of law, or contrary to the policy of express law though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other covenants, agreements or provisions of this Sixtieth Supplemental Authorizing Resolution or of the Refunding Bonds.

Section 6.03. REPEAL OF INCONSISTENT RESOLUTIONS. All resolutions and parts of resolutions heretofore adopted pertaining to the subject matter of this Sixtieth Supplemental Authorizing Resolution, to the extent that they are inconsistent with this Sixtieth Supplemental Authorizing Resolution, are hereby repealed, revoked, and rescinded.



Section 6.04. TIME OF TAKING EFFECT. This Sixtieth Supplemental Authorizing Resolution shall take effect immediately upon its adoption.

**ADOPTED DECEMBER 4, 2015.**



**A RESOLUTION AUTHORIZING THE SALE OF NOT EXCEEDING \$145,000,000 STATE OF FLORIDA, FULL FAITH AND CREDIT, STATE BOARD OF EDUCATION PUBLIC EDUCATION CAPITAL OUTLAY REFUNDING BONDS, 2016 SERIES (TO BE DETERMINED).**

**BE IT RESOLVED BY THE STATE BOARD OF EDUCATION OF FLORIDA, A BODY CORPORATE UNDER SECTION 2 OF ARTICLE IX OF THE FLORIDA CONSTITUTION:**

**SECTION 1.** That not exceeding \$145,000,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Refunding Bonds to be designated Series 2016 (to be determined) (or such other designation as may be determined by the director of the Division of Bond Finance) (the "Bonds") heretofore authorized by a Master Resolution and a Sixtieth Supplemental Authorizing Resolution (collectively, the "Resolution") adopted by the State Board of Education of Florida (the "State Board") on the 21<sup>st</sup> day of July, 1992, and the 4<sup>th</sup> day of December, 2015, respectively, **are hereby authorized to be sold by competitive sale for the purpose of achieving debt service savings.** The Bonds may be sold at different times in more than one series. If sold in more than one series, the authorizations contained in this resolution shall apply to each of such series. The Bonds may also be sold separately or combined with any other Public Education Capital Outlay Bonds authorized by the Board of Education to be sold.

**SECTION 2.** The Division of Bond Finance of the State Board of Administration (the "Division"), as the agent of the State Board, is hereby authorized to sell the Bonds by competitive sale and to provide notice pursuant to applicable law of such sale at a time and in such manner as determined by the Director of the Division to be appropriate to provide adequate notice to potential bidders. The Notice of Bond Sale shall be in such form as shall be determined by the Director of the Division, with the advice of bond counsel, and shall contain such information as required by applicable law. Proposals for purchase of the Bonds shall be received at the office of the Division of Bond Finance, 1801 Hermitage Boulevard, Suite 200, Tallahassee, Florida, or at another location designated in the Notice of Bond Sale, until the time and date of sale determined by the Director. If no bids are received, or if all bids received are rejected, such Bonds may again be offered for sale upon reasonable notice, the timing and manner of which shall be determined by the Director of the Division. Any prior publication of a Notice of Bond Sale, or short form thereof, is hereby ratified.

**SECTION 3.** The Director of the Division is hereby authorized to have up to 3,500 copies of the Preliminary Official Statement and 3,500 copies of the Final Official Statement relating to the public offering of the Bonds printed and distributed; to contract with national rating services to rate the Bonds; to conduct information meetings; and, to take such other actions as may be deemed appropriate for the dissemination of information relating to the sale of the Bonds. Any prior printing and distribution of a Preliminary Official Statement is hereby ratified.

**SECTION 4.** The Commissioner or Deputy Commissioner of Education and an Assistant Secretary of the Governing Board of the Division are hereby authorized and empowered to award said Bonds, when offered, on their determination of either the best proposal submitted in accordance with the terms of the Notice of Bond Sale provided for herein. Such award shall be final. The Secretary or other appropriate officer shall report such award to the State Board. In the event of the absence of the Commissioner or Deputy Commissioner at the time bids are received, an Assistant Secretary of the Governing Board of the Division is authorized to act on behalf of the State Board in awarding the Bonds, with the concurrence of a duly designated representative of the State Board.

**SECTION 5.** The proper officials of the State Board are hereby authorized to execute the Bonds in the manner provided by the resolution authorizing the issuance of the Bonds, and the Division is hereby

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authorized to deliver such Bonds to the purchasers thereof upon payment of the purchase price, together with accrued interest to the date of delivery, and to distribute the proceeds of the Bonds as provided by the proceedings authorizing the issuance of the Bonds.

**SECTION 6.** The Bonds shall be dated, shall mature in such years and amounts, shall be payable, and shall be subject to redemption as provided by the Notice of Bond Sale and the Official Statement.

**SECTION 7.** In the event that market conditions preclude the sale of the principal amount of Bonds authorized to be sold by this resolution or if proceeds of all Bonds authorized to be sold pursuant to this resolution are not required at any particular time, then in such event, the Director of the Division is hereby authorized to offer for sale a lesser principal amount than that set forth in this resolution.

**SECTION 8.** The appropriate officers and employees of the State Board and of the Division are authorized and empowered, collectively or individually, to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other action on behalf of the State Board and the Division, in each case as they may deem necessary or desirable, in connection with the execution and delivery of the Bonds.

**SECTION 9.** All prior resolutions or parts of resolutions inconsistent with this resolution are hereby amended by this resolution but only to the extent of any such inconsistency.

**SECTION 10.** This resolution shall take effect immediately upon its adoption.

**ADOPTED ON DECEMBER 4, 2015.**

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STATE BOARD OF EDUCATION  
Consent Item  
December 4, 2015

SUBJECT: Approval of Amendment to Rule 6A-1.001, District Financial Records

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1010.01, Florida Statutes

EXECUTIVE SUMMARY

The purpose of the proposed amendment is to make changes to the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools" as incorporated by reference. Changes in law, accounting principles and district practices require periodic revision of the publication, which includes the chart of accounts. Changes in the publication and the chart of accounts include: (1) account modification and additions for assets and liabilities for financial statement presentation in accordance with the Governmental Accounting Standards Board (GASB) principles; (2) modification, addition and deletion of federal revenue accounts to reflect updates to federal program revenues; (3) modification of revenue account titles and definitions to clarify reporting purposes; and (4) modification of expenditure functions to clarify reporting purposes.

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Supporting Documentation Included: Proposed Rule 6A-1.001, F.A.C. [Financial and Program Cost Accounting and Reporting for Florida Schools](#) (under separate cover)

Facilitator: Linda Champion, Deputy Commissioner, Finance and Operations



**6A-1.001 District Financial Records.**

The superintendent of schools of each school district shall be responsible for keeping adequate records and accounts of all financial transactions in the manner prescribed by the Commissioner in the publication titled “Financial and Program Cost Accounting and Reporting for Florida Schools, 2015 ~~2014~~ [http://www.flrules.org/Gateway/reference.asp?No=Ref-06171\\_04652](http://www.flrules.org/Gateway/reference.asp?No=Ref-06171_04652),” which is hereby incorporated by reference in this rule. Copies of the publication may be obtained from the Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner, but which shall not exceed actual costs.

*Rulemaking Authority 1010.01 FS. Law Implemented 1010.01 FS. History—New 9-17-72, Amended 12-5-74, 4-28-77, 8-2-79, 7-21-80, 10-7-81, 8-10-83, 9-27-84, 10-1-85, Formerly 6A-1.01, Amended 11-8-88, 7-30-91, 10-6-92, 10-18-94, 1-26-98, 10-15-01, 12-20-11, 11-13-12, 11-3-13, 11-4-14.*





**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-20.050, Nursing Student Loan Forgiveness Program

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1009.66, Florida Statutes

**EXECUTIVE SUMMARY**

The purpose of the Nursing Student Loan Forgiveness Program is to increase employment and retention of registered nurses and licensed practical nurses who are working in eligible health care facilities in Florida. In 2012, the Florida Legislature transferred administrative responsibility for the program to the Florida Department of Education from the Florida Department of Health.

The proposed rule clarifies program requirements and incorporates the content of four existing rules governed by section 1009.66, F.S., into a single rule that more accurately reflects the program's current administration. As amended, Rule 6A-20.050 will clarify the following:

- A program applicant must be a certified nurse performing nursing duties full-time; full-time status is based upon the combination of all qualifying employment that exceeds an average of 35 hours per week.
- Late initial applications will not be processed; however, applicants who meet eligibility requirements are provided an option to reapply for participation.
- Renewal application submission timeframes are provided.
- Payments are made directly to program participants' loan holders for participants' loans that are not in default.

Rules 6A-20.051, 6A-20.052, and 6A-20.053 are being proposed for repeal. Much of the content in these rules has been superseded by implementation changes resulting from the transfer of the program to the Florida Department of Education.

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**Supporting Documentation Included:** Proposed Rule 6A-20.050, Nursing Student Loan Forgiveness Program; Nursing Student Loan Forgiveness Program Application Package containing: Initial Application, Form NSLF-1; Employment Verification, Form NSLF-2; Loan Principal Certification, Form NSLF-3; and Nursing Student Loan Forgiveness Program Renewal Packet containing: Participant Renewal and Payment Form, Form NSLF-4, and Renewal Loan Principal Certification (renewal), Form NSLF-5

**Facilitator:** Linda Champion, Deputy Commissioner, Finance and Operations



**6A-20.050 Nursing Student Loan Forgiveness Program Application.**

(1) Initial Application. ~~In accordance with the Nursing Student Loan Forgiveness Program Application Package, June 2002, in order T~~ to qualify apply for enrollment into the Nursing Student Loan Forgiveness Program, the applicants must be a certified nurse performing nursing duties full-time at an eligible facility cited in section 1009.66(1), Florida Statutes ~~submit: a completed Initial Application, DH 1932, 06/02; a completed Employment Verification, DH 1935, 06/02; a completed Loan Principle Certification, DH 1936, 06/02; a photocopy of the applicant's current nursing license; and a photocopy of the applicant's nursing school diploma. The Nursing Student Loan Forgiveness Program Application Package and forms are incorporated by reference and available from the Department of Education, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.~~

(2) For a nurse employed by more than one eligible facility, the determination of full-time status is based on the combination of all qualifying employment that exceeds an average of thirty-five (35) hours weekly.

(3) The applicant must submit a Nursing Student Loan Forgiveness Program Application Package (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06159>) consisting of: a completed Nursing Student Loan Forgiveness Program (NSFLP) Initial Application, Form NSLF-1 (effective January 2016); a completed Nursing Student Loan Forgiveness Program (NSLFP) Employment Verification, Form NSLF-2 (effective January 2016); a completed Nursing Student Loan Forgiveness Program (NSLFP) Loan Principal Certification, Form NSLF-3 (effective January 2016); a photocopy of the applicant's current nursing license; and a photocopy of the applicant's nursing school diploma. The Nursing Student Loan Forgiveness Program Application Package is incorporated by reference and available from the Department of Education, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400 and [http://www.floridastudentfinancialaid.org/FFELP/Nursing\\_Loan\\_Forgiveness/NursingLoanForgiveness.html](http://www.floridastudentfinancialaid.org/FFELP/Nursing_Loan_Forgiveness/NursingLoanForgiveness.html).

(4) ~~(2)~~ The entire application package, including a photocopy of the applicant's current nursing license and a photocopy of the applicant's nursing school diploma, must be received by the deadline date for each quarterly enrollment. Deadline dates are: December 1 for January 1 enrollment; March 1 for April 1 enrollment; June 1 for July 1 enrollment; and September 1 for October 1 enrollment. Applications received after the deadline date will not be processed. Applicants who meet eligibility requirements in the future may reapply for participation in the program and prioritized, as specified in Section 1009.66, F.S., for the following quarters.

(5) Renewal Application. In order to continue in the Nursing Student Loan Forgiveness Program, program

participants must renew annually. The Nursing Student Loan Forgiveness Program Renewal Packet (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06160>), consisting of the Nursing Student Loan Forgiveness Program Participant Renewal and Payment Form, Form NSLF-4 (effective January 2016), and Nursing Student Loan Forgiveness Program Renewal Loan Principal Certification (renewal), Form NSLF-5 (effective January 2016), are incorporated by reference and available from the Department of Education, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400 and [http://www.floridastudentfinancialaid.org/FFELP/Nursing\\_Loan\\_Forgiveness/NursingLoanForgiveness.html](http://www.floridastudentfinancialaid.org/FFELP/Nursing_Loan_Forgiveness/NursingLoanForgiveness.html). The Participant Renewal and Payment Form, Form NSLF-4, and Loan Principal Certification, Form NSLF-5, will be mailed annually to program participants, by the Department, approximately thirty (30) days prior to the participant's anniversary date of initial enrollment.

(6) The Participant Renewal and Payment Form, Form NSLF-4, and Loan Principal Certification, Form NSLF-5, must be received annually by the Department by the deadline date, which is based on the participant's initial enrollment date. Deadline dates are: January 31, April 30, July 31 and October 31.

(7) Payment. The Department will provide for the delivery of funds directly to the program participant's loan holder, on behalf of the program participant, by use of the Loan Principal Certification, Form NSLF-5, requesting the State Comptroller to issue warrants made payable to the program participant's loan holder for any of the participant's education loans that are not in default.

(8) Program participants must maintain the payment schedule agreed upon with their loan holder while enrolled in the program.

(9) Match Site Facilities Payment. Match site facilities are Florida licensed hospitals, birth centers and nursing homes cited in section 1009.66(7), Florida Statutes, that employ program participants. They must match funds awarded from the program on a dollar-for-dollar basis.

(10) Match site facilities must annually pay fifty percent of the amount to be forwarded to the program participant's loan holder. The maximum amount a match site facility is required to pay is \$2,000 per year, per program participant.

(11) The Department will notify the match site facility of the amount due, as the match portion of the annual payment, for each program participant employed at that facility, within thirty (30) days of the renewal application deadline.

(12) Matching funds payments must be received by the Department no later than thirty (30) days after notification by the Department.

(13) The Department will not authorize a payment to a program participant's loan holder until the matching funds payment is received by the Department.

(14) Program participants whose eligible facility does not provide the matching funds payment will not have a payment forwarded to their loan holder and can not renew participation in the program, and the program participant's agreement will be terminated. Terminated program participants who meet eligibility requirements in the future may reapply for participation in the program.

(15) Affected program participants will be notified by the Department of their program status.

Rulemaking Authority 1009.66 FS. Law Implemented 1009.66 FS. History–New 3-10-02, Amended 1-7-03, Formerly 64E-23.001.





FLORIDA DEPARTMENT OF  
**EDUCATION**  
fldoe.org

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# **Nursing Student Loan Forgiveness Program Application Package**

Nursing Student Loan Forgiveness Program Information, Initial Application,  
Employment Verification and Loan Principal Certification

Florida Department of Education  
Office of Student Financial Assistance  
325 West Gaines Street, Suite 1314  
Tallahassee, Florida 32399-0400

1-800-366-3475

[www.FloridaStudentFinancialAid.org](http://www.FloridaStudentFinancialAid.org)

Rule 6A-20.050  
January 2016

## About the Nursing Student Loan Forgiveness Program

The Florida Legislature created the Nursing Student Loan Forgiveness Program (NSLFP) in 1989, to encourage qualified personnel to seek employment in areas of the state where there are critical nursing shortages. It is authorized under Section 1009.66, Florida Statutes and 6A-20, Florida Administrative Code. The purpose of the program is to increase employment and retention of nursing personnel at designated sites or facilities in Florida.

*Based on available funds, the program provides up to \$4,000 a year for a maximum of four years to assist in the payment of the principal balance of the originally verified nursing education loan. After one year of program enrollment, participants will receive a renewal packet. Initial payment will be made to the lender once full-time employment and loan principal balance are verified. Awards are not taxable, pursuant to the Affordable Care Act of 2010.*

### Eligibility Requirements

#### You ARE eligible to apply if you:

- Have graduated from an accredited or approved nursing program;
- Are licensed by the Florida Board of Nursing as a Licensed Practical Nurse (LPN), Registered Nurse (RN) or an Advanced Registered Nurse Practitioner (ARNP);
- Have outstanding qualifying student loans from a federal, state or commercial lending institution, incurred toward an obtained nursing degree or nursing certificate; and
- Work **full-time** as a nurse at a designated site in Florida. Full-time employment shall be those hours determined by the employer to be one full-time equivalent (1.0 FTE) position.

#### You are NOT eligible to apply if you:

- Currently have or have had a student loan *in default status*;
- Work in a contract on an “as needed” basis (PRN, pool nurses, agency nurses), part-time or self-employed capacity; or
- Previously participated in the Florida Nursing Scholarship Program.

### Selection Criteria - Acceptance is based on the following:

- **Available Funds**  
Funding for the NSLFP is contingent upon available funds in the Nursing Student Loan Forgiveness Trust Fund.
- **Designated Site Category (F.S. 1009.66)**  
Applicants are selected for program enrollment in the following order of priority:
  - 1) State of Florida operated medical and health care facilities
  - 2) Florida Public schools (direct care provider)
  - 3) Florida Department of Health county health departments
  - 4) Federally sponsored community health centers
  - 5) Teaching hospitals
  - 6) Family practice teaching hospitals
  - 7) Specialty hospitals for children
  - 8) Match site facilities - Florida licensed hospitals (other than teaching hospitals and specialty hospitals for children), birth centers and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions.
- **Receipt Date of Applications**  
Applications must be received by the Office of Student Financial Assistance by the quarterly enrollment deadline. Only complete applications received by the deadline will be considered for enrollment.



**Application Timeframes for Each Quarter**

APPLICATION TIMEFRAMES	DEADLINE	ENROLLMENT DATE
February 1 - March 1	March 1	April 1
May 1 - June 1	June 1	July 1
August 1 - September 1	September 1	October 1
November 1 - December 1	December 1	January 1

**Application Procedures**

**All applicants must submit the following by mail:**

- 1) NSLFP Initial Application
- 2) Employment Verification Form
- 3) Loan Principal Certification Form (must have original signatures)
- 4) Legible copy of nursing diploma/degree
- 5) Legible copy of current nursing license

**Mail completed application and supporting documents to the following address:**

Florida Department of Education  
 Office of Student Financial Assistance  
 Nursing Student Loan Forgiveness Program  
 325 West Gaines Street, Suite 1314  
 Tallahassee, Florida 32399-0400

**When your application is received by the Office of Student Financial Assistance:**

The application is date stamped and reviewed for completeness.  
 All complete applications will be processed based on the "Selection Criteria" on page 2.

**If you are selected for enrollment:**

You will receive a program acceptance letter.

You will be required to work one full year from your enrollment date with no break in service (i.e., greater than 31 days) before a payment is disbursed to your lender, on your behalf.

Approximately 30 days before your yearly enrollment anniversary, you will receive a *renewal letter and packet* to verify continued eligibility. These forms must be completed and mailed to the address above by the indicated timeframe. Upon verification of requirements, an initial payment will be made to your lender.

**If you are not selected for enrollment:**

You will receive a letter stating the reason you are not selected as a participant. You may reapply during any of the application timeframes.

**Initial Application Instruction Sheet**

**NURSING STUDENT LOAN FORGIVENESS PROGRAM INITIAL APPLICATION (Form NSLF-1)**

APPLICANT'S IDENTIFICATION INFORMATION:

1. **Name:** Enter your legal name.
2. **Home Mailing Address:** Enter your current address.
3. **Primary Telephone Number:** Enter your primary contact number.
4. **Date of Birth:** Enter your date of birth.
5. **Social Security Number:** Enter SSN (required). SSN assists with identification and timely processing.
6. **E-mail Address:** Enter current e-mail address.
7. **Nursing License Number:** Enter current nursing license number. Provide a legible copy of license.
8. **License Type:** Check the box that corresponds with your license type.
9. **Employer:** Enter the name of your employer.
10. **Work Site (Name and Physical Address):** Enter the qualified work site name, address and telephone number.
11. **Immediate supervisor's name and telephone number:** Enter immediate supervisor's name and telephone number.
12. – 13. **Statistical Data:** For statistical purposes, not mandatory.
14. **Nursing Education:** Enter degree/diploma information. Provide a legible copy of degree/diploma.

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**EMPLOYMENT VERIFICATION (Form NSLF-2)**

**Section I: AUTHORIZATION:** Enter social security number, print name, sign name and enter date.

**Section II: VERIFICATION:** To be completed by immediate supervisor or human resources department.

**Section III: MATCH SITE FACILITIES:** To be completed ONLY if a match is required.

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**LOAN PRINCIPAL CERTIFICATION (Form NSLF-3)**

Complete **Section I** and send form to lender to complete Section II.



**NURSING STUDENT LOAN FORGIVENESS PROGRAM (NSLFP)  
INITIAL APPLICATION**

**REMINDER:** The following documents must be submitted with Initial Application: Employment Verification, Loan Principal Certification, photocopy of diploma/degree and nursing license.

**APPLICANT'S IDENTIFICATION INFORMATION:** (please print legibly in ink)

1. Name: \_\_\_\_\_  
Last First MI

2. Home Mailing Address: \_\_\_\_\_  
Street or PO Box City State Zip Code County

3. Primary Telephone Number: (\_\_\_\_) \_\_\_\_\_ 4. Date of Birth: \_\_\_\_\_ 5. Social Security Number: \_\_\_\_\_

6. E-mail Address: \_\_\_\_\_

7. Current Nursing License Number: \_\_\_\_\_ (Attach a copy of nursing license) 8. Type: LPN  RN  ARNP

9. Employer: \_\_\_\_\_ 10. Work Site: (Name and Physical Address)

Name \_\_\_\_\_  
 Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 (\_\_\_\_) \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

11. Immediate Supervisor Name: \_\_\_\_\_ Telephone Number (\_\_\_\_) \_\_\_\_\_

Questions 12 – 13 are not mandatory. This information is requested to aid the state of Florida in its commitment to develop accurate statistics and reports. Refusal to answer will have no impact on the consideration of your application.

12. Gender: Male \_\_\_\_\_ Female \_\_\_\_\_ 13. Race: (Please check only one) White \_\_\_\_\_ Black \_\_\_\_\_ Hispanic \_\_\_\_\_ Asian/Pacific Islander \_\_\_\_\_  
 American Indian/Alaskan Native \_\_\_\_\_ Other \_\_\_\_\_

14. NURSING EDUCATION: The questions below relate to the nursing degree/diploma obtained, for which award will be applied.

A. Provide the name of the accredited nursing program/school you attended. \_\_\_\_\_

B. Indicate degree obtained. ASN  BSN  MSN  Other \_\_\_\_\_ or Diploma

C. Provide a copy of the nursing degree/diploma indicated above.

**APPLICANT'S SIGNATURE OF AGREEMENT**

I, the undersigned, have received, understand and agree to the NSLFP conditions. To the best of my knowledge, the information I have supplied on this application is complete, true and accurate. To the best of my knowledge and belief, I am eligible for this program.

\_\_\_\_\_  
 Applicant's Signature Date

**NOTICE:** Any person who knowingly makes a false statement or misrepresentation on this form is subject to penalties which may include fines, imprisonment or both, under section 837.06, Florida Statutes.



**NURSING STUDENT LOAN FORGIVENESS PROGRAM (NSLFP)  
EMPLOYMENT VERIFICATION**

**SECTION I: AUTHORIZATION** (To be completed by applicant. Please print legibly in ink.)

I authorize my supervisor or a representative from the human resources department to certify that I am employed as a **full-time** (in a 1.0 FTE position) nurse. My **Social Security Number** is \_\_\_\_\_.

**Print Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SECTION II: VERIFICATION** (To be completed by supervisor or human resources department.) Affix employer's stamp/seal below or employer verification on letterhead, in addition to this form. - REQUIRED

I certify that the above applicant is employed full-time (in a 1.0 FTE position) at the work site below, providing nursing care, and is not employed in a contract "as needed" basis (PRN, pool-nurse, agency nurse), part-time or self-employed capacity. His/her employment began on \_\_\_\_\_.

**Work Site:** (Name) \_\_\_\_\_

**Employer's Stamp**

**Physical Address:** \_\_\_\_\_

\_\_\_\_\_

City State Zip Code

**Telephone Number:** (\_\_\_\_\_) \_\_\_\_\_

**Print Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SECTION III: MATCH SITE FACILITIES** (Complete only if match required.) Affix employer's stamp/seal below or employer verification on letterhead, in addition to this form. - REQUIRED

This section is to be completed only by a representative of the employer, who is authorized to financially bind the employing facility to the commitment. If the facility is a Florida Licensed hospital (other than teaching hospital or specialty hospital for children), birth center or nursing home, you must agree to contribute up to \$2,000 per year, per program participant, for a maximum of four years. The match payment must be received by the Florida Department of Education, NSLFP before a payment will be made on behalf of the program participant.

*I fully understand, accept and agree to the conditions of my facility's contribution to the NSLFP. I understand I will be notified by the participant when the Match Payment is due from this facility. Within 30 days of receipt of notification, this facility will remit up to \$2,000 on behalf of the program participant, each year of eligible participation, for a maximum of four years.*

**Printed Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Telephone Number:** (\_\_\_\_\_) \_\_\_\_\_

**Facility:** \_\_\_\_\_

**Address:** \_\_\_\_\_

Street City State Zip Code

**Employer's Stamp**



**NURSING STUDENT LOAN FORGIVENESS PROGRAM (NSLFP)  
LOAN PRINCIPAL CERTIFICATION**

**NOTICE:** Any person who knowingly makes a false statement or misrepresentation on this form is subject to penalties which may include fines, imprisonment or both, under section 837.06, Florida Statutes.

**SECTION I: To be completed by the applicant**  
(Only principal loan balances submitted with NSLFP Initial Application will be considered.)

This form must be submitted to your lender. Allow adequate time for the lender(s) to comply with this request and return the form(s) to you. **If you have more than one lender, a Loan Principal Certification Form must be mailed to each lender.** If the loan(s) has/have been sold to another lender or the loans are consolidated, submit this form to the current holder of the loan(s), not the original lender.

1. Applicant's Name: \_\_\_\_\_ 2. Social Security Number: \_\_\_\_\_

3. Address: \_\_\_\_\_  
Street City State Zip Code

4. Home Telephone Number: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Dear Lender:** I have applied for enrollment in the Florida Department of Education's NSLFP. The program assists nurses with payment of student loans incurred toward a nursing education. I hereby authorize you to release any information requested by the Florida Department of Education, NSLFP, regarding my loan(s). The Florida Department of Education will disburse any payments I receive directly to you. This payment must be applied to the outstanding principal balance only.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION II: Lender Loan Certification -  
To be completed by lender**

**AN ORIGINAL SIGNATURE IS REQUIRED.** This completed form must be returned to the applicant identified above.

1. Current **PRINCIPAL** Balance: \$ \_\_\_\_\_ Valid through: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
D M Y

2. Name of Lending Institution: \_\_\_\_\_ Federal ID Number: \_\_\_\_\_

3. Payment Address: \_\_\_\_\_  
PO Box or Street City State Zip Code

By signing below, I certify that this borrower **is not currently nor has been** in default status regarding the referenced loan(s).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name and Title: (Print) \_\_\_\_\_ Phone Number: (\_\_\_\_\_) \_\_\_\_\_

4. Affix lender's stamp in box below or lender verification on letterhead, in addition to this form. - **REQUIRED**

Lender's Stamp

## APPLICATION PACKET CHECKLIST

### Complete the following for submission:

- NSLFP Initial Application
- Employment Verification Form
- Loan Principal Certification Form
- Legible copy of degree(s)/diploma(s)
- Legible copy of current nursing license

**The NURSING STUDENT LOAN FORGIVENESS PROGRAM Initial Application and required documents must be received by the Office of Student Financial Assistance by the deadline specified on page 3. Please mail to the following address:**

Florida Department of Education  
Office of Student Financial Assistance  
325 West Gaines Street, Suite 1314  
Tallahassee, Florida 32399-0400

### Special Note:

- **Incomplete applications will not be considered for enrollment.**
- **It is recommended that you mail your application using a trackable mailing service.**



# **Nursing Student Loan Forgiveness Program Renewal Packet**

9

CONTAINS: Renewal Information, Participant Renewal & Payment Form,  
Loan Principal Certification (Renewal), Renewal Packet Checklist

Florida Department of Education  
Office of Student Financial Assistance  
Suite 1314  
325 West Gaines Street  
Tallahassee, Florida 32399-0400

1-800-366-3475

[www.FloridaStudentFinancialAid.org](http://www.FloridaStudentFinancialAid.org)

## About the Nursing Student Loan Forgiveness Program Renewal and Payment Process

This is the anniversary of your enrollment in the *Nursing Student Loan Forgiveness Program* (NSLFP). Completion of renewal forms is an annual requirement to evaluate your continued eligibility. Based on available funds, the program provides up to \$4,000 a year, for a maximum of four years to assist in the payment of the principal balance of the originally verified nursing education loan. Completed and submitted renewal forms will be reviewed. Upon verification of required information, payment will be sent to the lender. Awards are not taxable, pursuant to the *Affordable Care Act of 2010*.

### Renewal Requirements

#### You ARE eligible for renewal if you:

- Have a Florida nursing license in good standing;
- Have outstanding qualifying student loans from a federal, state or commercial lending institution; incurred toward an obtained nursing diploma or degree; **and**
- Work **full-time**, as a nurse, at a designated site in Florida for one full year from your enrollment date with no break in service greater than 31 days. (Full-time employment shall be those hours, determined by the employer, to be one full-time equivalent (1.0 FTE) position.)

#### You are NOT eligible for renewal if you:

- Currently have or have had a student loan in *default status*;
- Work in a contract “as needed” basis (PRN, pool nurses), agency nurses, part-time or self-employed capacity; **or**
- Previously participated in the *Florida Nursing Scholarship Program*.

### Renewal Criteria

#### Available Funding

Funding for the NSLFP is contingent upon available funds in the *Nursing Student Loan Forgiveness Trust Fund*.

#### Designated Work Site Category (F.S. 1009.66)

You must continue to be employed by a designated work site.

#### Receipt Date of Renewal Forms

All forms must be received by the Office of Student Financial Assistance by the deadline indicated in the renewal letter. Only complete forms received by the deadline will be considered for renewal. Participants returning forms after the deadline will be terminated from the program.



**NSLFP Renewal Instruction Sheet**

**PARTICIPANT RENEWAL & PAYMENT FORM (Form NSLF 4)**

**Section I: Participant Identification Information:**

1. **Name:** Enter your legal name. If it differs from the name on your original application, please send proof of name change. (Marriage license or other.)
2. **Home Mailing Address:** Enter your current address.
3. **Primary Telephone Number:** Enter your primary contact number.
4. **Social Security Number:** Enter SSN (required). SSN assists with identification and timely processing.
5. **Email Address:** Enter current email address.
6. **Nursing License Number:** Enter current nursing license number.
7. **Employer:** Enter the name of your employer.
8. **Work Site (Name and Physical Address):** Enter the qualified work site name, address and telephone number.

**Section II: Participant's Statement of Qualifying Employment:**

Print name, sign name, and enter date.

**Section III: Supporting Statement of Participant's Supervisor:**

Have your supervisor print & sign their name and enter date. **Should be dated after 10/1/2013.**

**Section IV: Statement of Participant Intent:**

If your intent is to remain in the program, check "yes" and enter date. If you do not intend to remain in the program, check "no" and enter date.

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**LOAN PRINCIPAL CERTIFICATION (RENEWAL) Form NSLF 5**

Complete Section I and send form to lender.

*Remember, if your **completed** renewal paperwork is not received by the deadline, you will be terminated from the program.*



**NURSING STUDENT LOAN FORGIVENESS PROGRAM  
PARTICIPANT RENEWAL & PAYMENT FORM**

**IMPORTANT: The renewal application must be returned no later than the deadline date. Failure to do so will result in disenrollment and forfeiture of payment in accordance with Chapter 6A-20.051, Florida Administrative Rule.**

**SECTION I: Participant Identification Information (please print legibly in ink)**

1. Name: \_\_\_\_\_  
Last First MI

2. Home Mailing Address: \_\_\_\_\_  
PO Box or Street City State Zip County

3. Primary Telephone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ 4. Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

5. E-mail Address: \_\_\_\_\_ 6. Current License Number: \_\_\_\_\_

7. Employer: \_\_\_\_\_ 8. Work Site: (Name and Physical Address)

\_\_\_\_\_  
Name Telephone Number

\_\_\_\_\_  
Street City State Zip

**SECTION II: Participant's Statement of Qualifying Employment**

I hereby declare that I have been employed full-time as a licensed nurse at the employment site identified in Section I for the period beginning **January 1, 2013**, through **January 1, 2014**. I am NOT employed in a contract, "as needed" basis (PRN, pool nurses), agency nurses, part-time or self-employed capacity. **CANNOT BE SIGNED BY EMPLOYER PRIOR TO JANUARY 1, 2014.**

\_\_\_\_\_  
Print Participant Name Participant Signature Date

**SECTION III: Supporting Statement of Participant's Supervisor**

I hereby declare that I have supervised the participant in Section I during the time period specified above. I also certify that the named employee has provided satisfactory full-time (1.0 FTE) nursing care at the employment site identified in Section I. He/She is NOT employed in a contract, "as needed" basis (PRN, pool nurses), agency nurses, part-time or self-employed capacity.

\_\_\_\_\_  
Print Supervisor Name Supervisor Signature Title Date

**SECTION IV: Statement of Participant Intent:**

I intend to remain employed full-time by the employer noted above for at least one more year. I wish to continue participating in the program and my nursing license is in good standing.

Yes  No  Date: \_\_\_\_\_

**Notice: Any person who knowingly makes a false statement or misrepresentation on this form is subject to penalties which may include fines, imprisonment or both, under Section 837.06, Florida Statutes.**



**NURSING STUDENT LOAN FORGIVENESS PROGRAM  
LOAN PRINCIPAL CERTIFICATION (RENEWAL)**

**NOTICE:** Any person who knowingly makes a false statement or misrepresentation on this form is subject to penalties which may include fines, imprisonment or both, under section 837.06, Florida Statutes.

**SECTION I: *To be completed by the applicant***  
(Only principal loan balances submitted with the original NSLFP application will be considered.)

This form must be submitted to your lender. Allow adequate time for the lender(s) to comply with this request and return the form(s) to you. ***If you have more than one lender, a Loan Principal Certification Form must be mailed to each lender.*** If the loan(s) has/have been sold to another lender or the loans are consolidated, submit this form to the current holder of the loan(s), not the original lender.

1. Applicant's Name: \_\_\_\_\_ 2. Social Security Number: \_\_\_\_\_
3. Address: \_\_\_\_\_  
Street City State Zip Code
4. Home Telephone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Dear Lender:** I have applied for enrollment in the Florida Department of Education's NSLFP. The program assists nurses with payment of student loans incurred toward a nursing education. I hereby authorize you to release any information requested by the Florida Department of Education, NSLFP, regarding my loan(s). The Florida Department of Education will disburse any payments I receive directly to you. This payment must be applied to the outstanding principal balance only.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION II: *Lender Loan Certification***  
***To be completed by lender***

**AN ORIGINAL SIGNATURE IS REQUIRED.** This completed form **must** be returned to the applicant identified above.

1. Current PRINCIPAL Balance: \$ \_\_\_\_\_ Valid through: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
M D Y
2. Name of Lending Institution: \_\_\_\_\_ Federal ID Number: \_\_\_\_\_
3. Payment Address: \_\_\_\_\_  
PO Box or Street City State Zip Code

By signing below, I certify that this borrower is **not currently, nor has been** in default status regarding the referenced loan(s).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name and Title: *(Print)* \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

4. Affix lender's stamp in box below or lender verification on letterhead, in addition to this form. - **REQUIRED**

**Lender's Stamp**

**RENEWAL PACKET CHECKLIST**

**I have completed the following for submission:**

- Participant Renewal & Payment Form
  
- Loan Principal Certification (Renewal)

**Make sure all forms have original signatures.**

**Renewal forms must be received by the Office of Student Financial Assistance by the deadline indicated in your letter.** Please mail to the following address:

Florida Department of Education  
Office of Student Financial Assistance  
Suite 1314  
325 West Gaines Street  
Tallahassee, Florida 32399-0400

**Special Note:**

- **Incomplete renewal applications will not be processed.**
- **It is recommended that you mail your paperwork using a trackable mailing service.**

**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-6.0253, Diabetes Management

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02, 1002.20(3)(j), Florida Statutes.

**EXECUTIVE SUMMARY**

The purpose of this amendment is to update the new position statement by the National Association of School Nurses incorporated by reference.

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**Supporting Documentation Included:** Rule 6A-6.0253, F.A.C. and National Association of School Nurses Position Statement: Individual Healthcare Plans, The Role of the School Nurse (2015)

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.0253 Diabetes Management.**

(1) through (e) No change.

(d) Individualized HealthCare Plan (IHP). An IHP is a written plan of care developed at the local level to outline the provision of student healthcare services intended to achieve specific student outcomes. The IHP is part of the nursing process that is detailed in the National Association of School Nurses Position Statement: Individualized Healthcare Plans, The Role of the School Nurse (2015) (~~2013~~)

([http://www.flrules.org/Gateway/reference.asp?No=Ref-06172\\_03693](http://www.flrules.org/Gateway/reference.asp?No=Ref-06172_03693)), which is hereby incorporated by reference and available online at

<http://www.nasn.org/PolicyAdvocacy/PositionPapersandReports/NASNPositionStatementsFullView/tabid/462/ArticleId/32/Individualized-Healthcare-Plans-The-Role-of-the-School-Nurse-Revised-January-2015.aspx>

<http://www.nasn.org/portals/0/positions/2013psihp.pdf>. A hard copy may be obtained by contacting Student Support Services, Turlington Building, 325 West Gaines Street, Suite 644, Tallahassee, Florida 32399. The IHP is developed from the DMMP by a registered nurse (RN) in collaboration with the family, student, student's healthcare providers, and school personnel for the management of diabetes while in school, participating in school-sponsored activities, and in transit to or from school or school-sponsored activities. The IHP is child-specific and includes a written format for nursing assessment (health status, risks, concerns, and strengths), nursing diagnoses, interventions, delegation, training, expected outcomes, and goals to meet the healthcare needs of a student with diabetes and to protect the safety of all students from the misuse or abuse of medication, supplies, and equipment.

(e) Self-Administration. Self-Administration means that a student with diabetes is able to self-manage medication, supplies, and equipment in the manner directed by a licensed healthcare provider without additional assistance or direction.

(2) through (4) No change.

*Rulemaking Authority 1001.02, 1002.20(3)(j) FS. Law Implemented 1002.20(3)(j) FS. History—New 11-25-12, Amended 3-25-14.*





## Individualized Healthcare Plans: The Role of the School Nurse (2015)



### *Position Statement*

#### **SUMMARY**

It is the position of the National Association of School Nurses (NASN) that the registered professional school nurse (hereinafter referred to as school nurse), in collaboration with the student, family and healthcare providers, shall meet nursing regulatory requirements and professional standards by developing an Individualized Healthcare Plan (IHP) for students whose healthcare needs affect or have the potential to affect safe and optimal school attendance and academic performance. Because health conditions can be complex and unfamiliar to school staff and the student's requirement for nursing care can be frequent and sometimes emergent, accurate and adequate documentation of chronic medical conditions and individual needs is critical (Lyon, 2012). Development of IHPs is a nursing responsibility, based on standards of care regulated by state nurse practice acts and cannot be delegated to unlicensed individuals (National Council of State Boards of Nursing [NCSBN], 2005). It is the responsibility of the school nurse to implement and evaluate the IHP at least yearly and as changes in health status occur to determine the need for revision and evidence of desired student outcomes.

#### **BACKGROUND**

The IHP is a document based on the nursing process. Since emerging in the 1970s, the nursing process is the cornerstone of nursing practice, using a scientific approach in the identification and solution of health problems in nursing practice (Hermann, 2005). The American Nurses Association (ANA) and NASN define the nursing process as a "circular, continuous and dynamic critical-thinking process comprised of six steps and that is client-centered, interpersonal, collaborative, and universally applicable" (American Nurses Association [ANA] & NASN, 2011, p. 76). Documentation of these steps for individual students who have healthcare issues results in the development of an IHP, a variation of the nursing care plan. The term IHP refers to all care plans developed by the school nurse, especially those for students who require complex health services on a daily basis or have an illness that could result in a health crisis. These students may also have an Individualized Education Plan (IEP), a 504 Student Accommodation Plan to ensure school nursing services and access to the learning environment, or an Emergency Care Plan (ECP) for staff caring for these students (Hermann, 2005).

#### **RATIONALE**

Development of the IHP by the school nurse provides a framework for meeting clinical and administrative needs:

##### **Demonstrates Standard of School Nursing Practice**

Development and implementation of the IHP is documentation of professional performance in accordance with standards of school nursing practice, the professional expectations that guide the practice of school nursing (ANA & NASN, 2011). The *Standards of School Nursing Practice* are "authoritative statements of the duties that school nurses, regardless of role, population, or specialty within school nursing are expected to competently perform" (ANA & NASN 2011, p. 4). These standards "describe a competent level of nursing care as demonstrated by the critical thinking model known as the nursing process" (ANA & NASN, 2011, p. 12).

##### **Documents the Nursing Process**

Creation of the IHP incorporates and documents the nursing process in student care in accordance with state nurse practice acts. The nursing process provides a framework for the nurse's responsibility and accountability. "The RN may delegate components of care but does not delegate the nursing process itself. The practice pervasive

functions of assessment, planning, evaluation and nursing judgment cannot be delegated” (ANA & NCSBN, 2005, p.2).

*School Nursing: Scope and Standards of Practice* (ANA & NASN, 2011) outlines how implementation of each step of the nursing process strengthens and facilitates educational outcomes for students. These steps parallel components of a well-developed IHP.

Standard 1. Assessment: The school nurse collects comprehensive data pertinent to the healthcare consumer’s health and/or situation.

Standard 2. Nursing Diagnosis: The school nurse analyzes the assessment data to determine the diagnoses or issues.

Standard 3. Outcome Identification: The school nurse identifies expected outcomes for a plan individualized to the healthcare consumer or the situation.

Standard 4. Planning: The school nurse develops a plan that prescribes strategies and alternatives to attain expected outcomes.

Standard 5. Implementation: The school nurse implements the identified plan.

Standard 6. Evaluation: The school nurse evaluates progress toward attainment of outcomes.

#### **Provides Legal Documentation**

A school nurse plans safe care for students and demonstrates an appropriate standard of professional care when the IHP is used as the foundation for student health interventions. “Judicious use of the IHP as a vehicle to ensure safe nursing services and continuity of care for students with special (health) needs is a standard of care against which a school nurse’s conduct can be judged in a legal proceeding” (Hootman, Schwab, Gelfman, Gregory, & Pohlman, 2005, p. 190). Along with applicable laws including state nurse practice acts, expert testimony, organizational policies and procedures, the standard of care is a significant factor used by courts in professional liability cases (Pohlman, 2005).

#### **Clarifies Clinical Practice**

The IHP’s clinical purposes include clarifying and consolidating meaningful health information, establishing the priority set of nursing diagnoses for a student, providing communication to direct the nursing care of a student, documenting nursing practice, ensuring consistency and continuity of care as students move within and outside school districts, directing specific interventions, identifying (safe and appropriate) delegation of care, and providing methods to review and evaluate nursing goals and student outcomes (Hermann, 2005). It is important to note that student-centered outcomes are developed early in the IHP process to guide interventions and provide a basis for evaluation to take place. The IHP is the document that combines all of the student’s healthcare needs into one document for management in the school setting (Zimmerman, 2013).

#### **Provides Administrative Information**

The IHP serves administrative purposes, which include defining the focus of nursing; validating the nurse’s role in the school; facilitating management of health conditions to optimize learning; differentiating accountability of the nurse from others in the school; providing criteria for reviewing and evaluating care (quality assurance); providing data for statistical reports, research, third-party reimbursement and legal evidence; and creating a safer process for delegation of care in the school setting (Hermann, 2005).

#### **Serves as the Foundation for Health Portion of Other Educational Plans and Emergency Plans**

The IHP provides the health information and activities that can be incorporated into the health portion of other school-educational plans to foster student academic success and to meet state and federal laws and regulations. These include the Individualized Education Plan (IEP) in accordance with the Individuals with Disabilities Education

Improvement Act (P.L. 108-446, 2004) and a 504/ADA plan in accordance with Section 504 of the Rehabilitation Act (P.L. 102-569, 1992) and the Americans with Disabilities Act (P.L. 110-325, 2008).

The student Emergency Care Plan (ECP) is an emergency plan developed by the registered professional school nurse and is based on the IHP or is sometimes used instead of an IHP. The ECP is written in clear action steps using succinct terminology that can be understood by school faculty and staff who are charged with recognizing a health crisis and intervening appropriately (Zimmerman, 2013). The ECP is distributed to these individuals with the expectation that the information will be treated with confidentiality. The names of the individuals who have a copy of the ECP should be listed at the bottom (Zimmerman, 2013).

## CONCLUSION

It is the responsibility of the registered professional school nurse to develop an IHP and ECP for students with healthcare needs that affect or have the potential to affect safe and optimal school attendance and academic performance. The IHP is developed by the school nurse using the nursing process in collaboration with the student, family and healthcare providers. The school nurse utilizes the IHP to provide care coordination, to facilitate the management of the student's health condition in the school setting, to inform school-educational plans, and to promote academic success. The ECP, written by the school nurse, is for support staff with an individual plan for emergency care for the student. These plans are kept confidential yet accessible to appropriate staff.

## REFERENCES

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**Acknowledgment of Authors:**

Bernadette Moran McDowell, MEd, BSN, RN  
Sue A. Buswell, MSN, RN, NCSN  
Cheryl Mattern, MEd, BSN, RN  
Georgene Westendorf, MPH, BSN, RN, NCSN, CHES  
Sandra Clark, ADN, RN

**Acknowledgment of 2013 Authors:**

Janet Bryner, BSN, RN, NCSN  
Sue A. Buswell, MSN, RN, NCSN  
Sandra Clark, ADN, RN  
Cheryl Mattern, MEd, BSN  
Bernadette Moran McDowell, MEd, BSN, RN  
Georgene Westendorf, MPH, BSN, RN, NCSN, CHES  
Susan Will, MPH, BS, RN, NCSN, FNASN

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[www.nasn.org](http://www.nasn.org)  
National Association of School Nurses  
1100 Wayne Ave. Suite 925  
Silver Spring, MD 20910

1-240-821-1130

**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-6.030121, Exceptional Student Education Eligibility for Student with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1003.01(3), 1003.57, 1003.571, and 1012.44, Florida Statutes

**EXECUTIVE SUMMARY**

The purpose of this amendment is to update references and remove redundant language found in Rule 6A-6.0331, F.A.C.

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**Supporting Documentation Included:** Rule 6A-6.030121, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.030121 Exceptional Student Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services.**

(1) Language impairments are disorders of language that interfere with communication, adversely affect performance and/or functioning in the student's typical learning environment, and result in the need for exceptional student education.

(a) A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning;

2. through 5. No change.

(b) ~~A~~ The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

(2) No change.

(3) Evaluation procedures for children in prekindergarten. In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

(a) Information gathered from the child's parent(s) or legal guardian(s) and others as appropriate, such as teacher(s), service providers, and caregivers regarding the concerns and description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires;

(b) through (c) No change.

(4) Criteria for eligibility for prekindergarten children. A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

(a) through (c) No change.

(d) Information gathered from the child's parent(s) or legal guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted;

(e) No change.

(f) The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

(5) General education intervention procedures and activities for students in kindergarten through Grade 12 ~~twelve~~. Prior to obtaining consent for initial evaluation, the requirements of subsection 6A-6.0331(1), F.A.C., related to general education procedures for kindergarten through Grade 12 ~~twelve~~ students, must be met.

(6) Evaluation procedures for students in kindergarten through Grade 12 ~~twelve~~. In addition to the provisions in subsection 6A-6.0331(5), F.A.C., the evaluation for determining eligibility shall include:

~~(a) The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs exceptional student education in the following circumstances:~~

~~1. Prior to obtaining consent for evaluation, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or~~

~~2. Prior to obtaining consent for evaluation, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of exceptional student education; or~~

~~3. Whenever a referral is made to conduct an evaluation to determine the student's need for exceptional student education and the existence of a disability.~~

~~(a) (b)~~ To ensure that the decreased performance and/or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

1. No change.

2. Data-based documentation, which was provided to the student's parent(s) or legal guardian(s), of repeated measures of performance and/or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction;

3. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists; or questionnaires;

4. through 5. No change.

~~(b) (e)~~ With the exception of the observation required by subparagraph (7)(c)4. of this rule, general education activities and interventions conducted prior to initial evaluation in accordance with subsection 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of paragraph (6)(a) ~~(b)~~ of this rule.



(7) Criteria for eligibility for students in kindergarten through Grade 12 ~~twelve~~. A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

(a) No change.

(b) Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or ~~s~~State-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in paragraph (7)(a) of this rule when using a process based on the student's response to scientific, research-based intervention;

(c) Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation components as specified in paragraph (6)(b) of this rule. There must be documentation of all of the following:

1. No change.

2. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in paragraph (1)(a) of this rule, as evidenced by a standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in paragraph (1)(a) of this rule. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes;

3. No change.

4. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may be established through the results of subparagraphs (6)(a) (~~b~~)3. and 4. of this rule and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and when appropriate, the student, must support the results of the observation(s) conducted; and,

(d) The group determines that its findings under paragraph (7)(a) of this rule are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

(8) Documentation of determination of eligibility. For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

(a) through (c) No change.

(d) Whether the student has a language impairment as evidenced by response to intervention data confirming the following:

1. Performance and/or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups; and,

2. through 3. No change.

(e) The determination of the student's parent(s) or legal guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance and/or functioning; and,

(f) Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions including:

1. No change.

2. Documentation that the student's parent(s) or legal guardian(s) were notified about the state's policies regarding the amount and nature of student performance and/or functioning data that would be collected and the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental or legal guardian right to request an evaluation.

(9) Language services.

(a) A group of qualified professionals determining eligibility under the requirements of this rule and subsection 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

(b) No change.

(c) Language therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, Part I Section 468.1185, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C.

(d) through 1. No change.

2. Districts shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:

a. The model, specifying the type and amount of direction including, ~~but not limited to,~~ direct observation, support, training, and instruction;

b. through f. No change.

*Rulemaking Authority 1003.01(3), 1003.57, 1003.571, 1012.44 FS. Law Implemented 1003.01(3), 1003.57, 1003.571, 1012.44 FS. History--New 7-1-10, Amended*



**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-6.03018, Exceptional Education Eligibility for Students with Specific Learning Disabilities

---

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02(1), (2)(n), 1001.42(4)(1), 1003.01(3)(a), (b), 1003.57, Florida Statutes

**EXECUTIVE SUMMARY**

This rule establishes criteria for determining eligibility as a student with specific learning disabilities. The purpose of this rule revision is to update references and remove obsolete language.

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**Supporting Documentation Included:** Rule 6A-6.03018, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.03018 Exceptional Education Eligibility for Students with Specific Learning Disabilities.**

(1) Definition. A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, ~~but are not limited to,~~ dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional/behavioral disability; limited English proficiency; or environmental, cultural, or economic factors.

(2) General education intervention procedures and activities. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider:

(a) No change.

(b) Data-based documentation, which was provided to the student's parent(s) or legal guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

(c) No change.

(3) Evaluation. The evaluation procedures shall include the following:

(a) The school district must promptly request parental or legal guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

1. through 2. No change.

(b) In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the evaluation must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by paragraph 6A-6.0331(3)(~~g~~)(~~d~~), F.A.C., unless extended by mutual written agreement of the student's parent(s) or legal guardian(s) and a group of qualified professionals.

(4) No change.

(a) Evidence of specific learning disability. The student's parent(s) or legal guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

1. No change.

2. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in subparagraph (4)(a)1. of this rule when using ~~one of the following processes:~~

~~a. a~~ A process based on the student’s response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in ~~subsection (5) of Rule 6A-6.0331(5), F.A.C.;~~ ~~or~~

~~b. A process based on the student’s response to scientific, research-based intervention, and the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade-level standards pursuant to Rule 6A-1.09401, F.A.C., or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with the comprehensive evaluation procedures in subsection (5) of Rule 6A-6.0331, F.A.C.~~

3. No change.

(b) Members of the group determining eligibility. The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student’s parent(s) or legal guardian(s) and a group of qualified professionals, which must include, ~~but are not limited to,~~ all of the following:

1. No change.

2. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, ~~but not limited to,~~ a school psychologist, speech-language pathologist, or reading specialist; and,

3. through (c)1. No change.

2. Have at least one member of the group conduct an observation of the student’s performance in the student’s typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or legal guardian consent has been obtained.

(5) Documentation of determination of eligibility. For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group’s analysis of the data that incorporates the following information:

(a) The basis for making the determination, including an assurance that the determination has been made in accordance with ~~subsection (6) of Rule 6A-6.0331(6), F.A.C.;~~

(b) through (e) No change.



(f) Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions including:

1. No change.

2. Documentation that the student's parent(s) or legal guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or legal guardian's right to request an evaluation.

(g) No change.

~~(6) Implementation.~~

~~(a) The district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, as required by Rule 6A-6.03411, F.A.C., must identify the applicable process described in sub-subparagraphs (4)(a)2.a. and (4)(a)2.b. of this rule on a school by school basis.~~

~~(b) Effective July 1, 2010, the process specified in sub-subparagraph (4)(a)2.a. becomes the required process and sub-subparagraph (4)(a)2.b. becomes obsolete.~~

~~(c) For schools using eligibility process described in sub-subparagraph (4)(a)2.b. until July 1, 2010, a description of the pattern of strengths and weaknesses that is determined by the group to be relevant to the identification of a specific learning disability must be documented in the written summary required by subsection (5) of this rule.~~

*Rulemaking Authority 1001.02(1), (2)(n), 1001.42(4)(1), 1003.01(3)(a), (b), 1003.57 FS. Law Implemented 1001.02(2)(n), 1003.01(3)(a), (b), 1003.57, 1011.62(1)(c) FS. History—New 7-1-77, Amended 7-2-79, 7-14-82, Formerly 6A-6.3018, Amended 1-11-94, 3-23-09.*



**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-6.030191, Development of Educational Plans for Exceptional Students Who Are Gifted

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.42(4)(l), 1003.57, Florida Statutes

**EXECUTIVE SUMMARY**

The purpose of this amendment is to clarify that educational plans are for those students who are identified as gifted. For a student who is identified as gifted and also identified as a student with a disability, the strengths, needs and services associated with a students' giftedness must be addressed in the student's individual educational plan.

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**Supporting Documentation Included:** Rule 6A-6.030191, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.030191 Development of Educational Plans for Exceptional Students Who Are Gifted.**

Educational Plans (EPs) are developed for students whose only identified exceptionality is solely as gifted. For a student identified as gifted in accordance with Rule 6A-6.03019, F.A.C., and who is also identified as a student with a disability, as defined in paragraph 6A-6.03411(1)(f), F.A.C., the strengths, needs and services associated with a student's giftedness must be addressed in the student's individual educational plan (IEP) consistent with the requirements in Rule 6A-6.03028, F.A.C. Parents are partners with schools and school district personnel in developing, reviewing, and revising the ~~educational plan (EP)~~ for their child. Procedures for the development of the EPs for exceptional students who are gifted, including procedures for parental involvement, shall be set forth in each district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services to Exceptional Students document and shall be consistent with the following requirements.

(1) No change.

(2) Parent participation. Each school board shall establish procedures ~~that which~~ shall provide for parents to participate in decisions concerning the EP. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one ~~(+)~~ or both of the parents or legal guardians of a student who is gifted is present or is afforded the opportunity to participate at each EP meeting:

1. Notifying parents or legal guardians of the meeting early enough to ensure that they will have an opportunity to attend; and,

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice of the meeting must be provided to the parents or legal guardians and must indicate the purpose, time, location of the meeting, and who, by title and or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child.

(c) If neither parents or legal guardians can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

(d) through (f) No change.

(3) ~~Educational plan (EP)~~ team participants. The EP team shall include the following participants:

(a) The parents of the student in accordance with subsection (2) of this rule;

(b) One regular education teacher of the student who, to the extent appropriate, is involved in the development

and review of the a student's EP. Involvement may be the provision of written documentation of the a student's strengths and needs;

(c) through (g) No change.

(4) Contents of ~~Educational Plans~~ (EPs). EPs for students who are gifted must include:

(a) A statement of the student's present levels of performance which may include, ~~but is not limited to,~~ the student's strengths and interests; the student's needs beyond the general curriculum; results of the student's performance on state and district assessments; and evaluation results;

(b) A statement of goals, including benchmarks or short-term objectives;

(c) through (5) No change.

(6) Timelines. Timelines for EP meetings for students who are gifted shall include the following:

(a) through (b) No change.

(c) Meetings shall be held to develop and revise the EP at least every three (3) years for students in Kindergarten - grades ~~K~~-8 and at least every four (4) years for students in grades 9-12. EPs may be reviewed more frequently as needed, such as when the student transitions from elementary to middle school and middle to high school or if the student's parent or teacher requests a review.

(7) EP ~~i~~mplementation. An EP must be in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

(a) through (b) No change.

*Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(1)(~~5~~) FS. Law Implemented ~~1001.03(8), 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57 1011.62(1)(e)~~ FS. History--New 9-20-04, Amended*

**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Amendment to Rule 6A-6.03313, Procedural Safeguards for Exceptional Students Who Are Gifted

---

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(1), Florida Statutes

**EXECUTIVE SUMMARY**

The purpose of this amendment is to include a statement that the procedural safeguards of Rule 6A-6.03311, F.A.C., apply for students who are identified as gifted and as having a disability.

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**Supporting Documentation Included:** Rule 6A-6.03313, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools





**6A-6.03313 Procedural Safeguards for Exceptional Students Who Are Gifted.**

Providing parents with information regarding their rights under this rule is critical to ensuring that they have the opportunity to be partners in the decisions regarding their children. It is also critical that local school boards provide information about these rights to appropriate district and school personnel so that the needs of the student can be identified and appropriately met. For gifted students with disabilities, the procedural safeguards and due process procedures found in Rule 6A-6.03311, F.A.C., apply. For the purposes of this rule, the term parent(s) also includes legal guardian(s). The school board's policy and procedures for procedural safeguards described in this rule shall be set forth in accordance with Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

(1) Prior notice. The school district shall provide parents with prior written notice a reasonable time before any proposal or refusal to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education (FAPE) to the student.

(a) through (b) No change.

(c) The notice to the parents shall include:

1. No change.

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;

3. through 4. No change.

(2) Content and ~~p~~Provision of the ~~p~~Procedural ~~s~~Safeguards to ~~p~~Parents.

(a) through (b) No change.

(3) Informed parental consent.

(a) through (d) No change.

(e) Except for formal, individual evaluation and the initial provision of services to the student, consent may not be required as a condition of any other benefit to the parent or child. Any proposal or refusal to initiate or change the identification, evaluation, or educational placement or the provision of a FAPE ~~free appropriate public education~~ to the student after the initial placement is not subject to parental consent but is subject to prior notice as defined by subsection (1) of this rule.

(f) No change.

(4) Parents' opportunity to examine records and participate in meetings.

(a) No change.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records including all records related to the identification, evaluation, and educational placement of the child and the provision of a FAPE ~~free appropriate public education~~ to the child.

(c) No change.

(5) Evaluations obtained at private expense. If the parent obtains an independent evaluation at private expense which meets the requirements of subsection 6A-6.0331(3)(e)(4), F.A.C., the results of the evaluation must be considered by the school district in any decision made with the respect to the determination of eligibility for exceptional student education services.

(a) No change.

(b) If an administrative law judge (ALJ) requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense, ~~as defined in paragraph 6A-6.03411(7)(e), F.A.C.~~

(6) State ~~c~~omplaint ~~p~~rocedures. The Department of Education shall provide parents and other interested persons the opportunity to resolve allegations that a school district has violated state requirements regarding the education of students who are gifted through the establishment of state complaint procedures.

(a) through (b) No change.

(c) Relationship to due process hearings.

1. No change.

2. If an issue is raised in a complaint filed under this subsection that has previously been decided in a due process hearing involving the same parties, the ALJ's ~~administrative law judge's~~ decision is binding and the Department of Education shall inform the complainant to that effect.

3. No change.

(7) Due process hearings. Due process hearings shall be available to parents of students who are gifted and to school districts to resolve matters related to the identification, evaluation, or educational placement of the student or the provision of a FAPE ~~free appropriate public education~~.

(a) No change.

(b) A hearing shall be conducted by an ALJ ~~administrative law judge~~ from the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education.

(c) An ~~administrative law judge (ALJ)~~ shall use subsection (7) of this rule for any such hearings and shall conduct such hearings in accordance with the Uniform Rules for Administrative Proceedings, Chapter 28-106, F.A.C., as deemed appropriate by the ALJ including, ~~but not limited to:~~ the authority of a party to request a pre-hearing conference, the authority of the ALJ to issue subpoenas to compel the attendance of witnesses and the production of records, and the authority of the ALJ to issue summary rulings in absence of a disputed issue of material fact.

(d) No change.

2. If the ALJ ~~administrative law judge~~ agrees with the parent and finds that a change of placement is appropriate, that placement becomes the agreed-upon placement during the pendency of the appeal.

(e) Hearing rights for all parties.

1. Any party to a hearing conducted pursuant to subsection (7) of this rule has the right to:

a. ~~To~~ Be represented by counsel or to be represented by a qualified representative under the qualifications and standards set forth in Rules 28-106.106 and 28-106.107, F.A.C., or to be accompanied and advised by individuals with special knowledge or training with respect to the problems of students who are gifted, or any combination of the above;

b. ~~To~~ Present evidence, and to confront, cross-examine, and compel the attendance of witnesses;

c. ~~To~~ Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;

d. ~~To~~ Obtain written, or at the option of the parents, electronic, verbatim record of the hearing at no cost to the parents; and,

e. ~~To~~ Obtain written, or at the option of the parents, electronic findings of fact and decisions at no cost to the parents.

2. Additional disclosure of information.

a. No change.

b. An ALJ ~~administrative law judge~~ may bar any party that fails to comply with subparagraph (7)(e)2. of this rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(f) No change.

(g) Duties and responsibilities of the superintendent or designee shall include:

1. No change.

2. Immediately forwarding to the Division of Administrative Hearings in accordance with the Division's procedures, ~~by facsimile transmission of~~ the parent's request for a hearing upon its receipt;

3. through 4. No change.

5. Complying with the ALJ's ~~administrative law judge's~~ rulings regarding requests for and exchanges of evidence, discovery, the filing of motions and scheduling, so as to meet the requirements of this rule, and the deadlines established herein.

6. through 7. No change.

(h) Duties and responsibilities of the Department of Education shall include:

1. Maintaining a list of persons who serve as ALJ's ~~administrative law judge's~~ including a statement of the qualifications of each of these persons; and,

2. through (i) No change.

(j) Civil action. A decision made in a hearing conducted under subsection (7) of this rule shall be final, unless, within thirty (30) days, a party aggrieved by the decision brings a civil action in state circuit court without regard to the amount in controversy, as provided in Section 1003.57(1)(c)(~~5~~), F.S. The state circuit court shall: receive the records of the administrative proceedings; hear, as appropriate, additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, shall grant the relief it determines appropriate. In the alternative, any party aggrieved by the ALJ's ~~administrative law judge's~~ decision shall have the right to request an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 1003.57(1)(c)(~~5~~), F.S.

*Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(1)(~~5~~) FS. Law Implemented ~~1001.03(8)~~, 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57(1)(~~5~~) FS. History—New 9-20-04, Amended*

**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rules 6A-20.051, Nursing Student Loan Forgiveness Program Renewal; 6A-20.052, Nursing Student Loan Forgiveness Program Payment; and 6A-20.053, Match Site Facilities Payment Requirement

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1009.66, Florida Statutes

**EXECUTIVE SUMMARY**

Rules 6A-20.051, 6A-20.052, and 6A-20.053 are being proposed for repeal as all pertinent information has been incorporated in 6A-20.050, F.A.C.

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**Supporting Documentation Included:** Rules 6A-20.051, 6A-20.052, and 6A-20.053, F.A.C.

**Facilitator:** Linda Champion, Deputy Commissioner, Finance and Operations



The following rules are hereby repealed:

**6A-20.051 Renewal.**

*Rulemaking Authority 1009.66 FS. Law Implemented 1009.66 FS. History–New 3-10-02, Amended 1-7-03, Formerly 64E-23.002, Repealed*

**6A-20.051 Renewal.**

~~(1) In order to continue in the Nursing Student Loan Forgiveness Program, program participants must renew. The Renewal Application, DH 1933, 06/02, which is incorporated by reference and available from the department, will be mailed to program participants, by the department, within 30 days before the ending date, each year, of the program participant’s employment years.~~

~~(2) The program participant’s Renewal Application must be received by the department, each year, no later than 30 days after the start of the program participant’s next employment year, in order to continue as a participant in the program.~~

*Rulemaking Authority 1009.66 FS. Law Implemented 1009.66 FS. History–New 3-10-02, Amended 1-7-03, Formerly 64E-23.002.*

**6A-20.052 Payment.**

*Rulemaking Authority 1009.66 FS. Law Implemented 1009.66 FS. History–New 3-10-02, Amended 1-7-03, Formerly 64E-23.003, Repealed*

**6A-20.052 Payment.**

~~(1) The department will provide for the delivery of funds directly to the federal or state program, or commercial lending institution, or holder of the program participant’s loan principle, on behalf of the program participant, by use of the Loan Principle Repayment Invoice, DH 1934, 06/02, which is incorporated by reference and available from the department, requesting the State Comptroller to issue warrants made payable to the federal or state program, or commercial lending institution, or holder of the program participant’s loan principle and forwarded to the federal or state program, commercial lending institution, or holder of the program participant’s loan principle.~~

~~(a) The Loan Principle Repayment Invoice will be mailed to program participants, by the department, within 30 days before the ending date, each year, of the program participant’s employment years.~~

~~(b) The program participant’s Loan Principle Repayment Invoice must be received by the department, each year, no later than 30 days after the start of the program participant’s next employment year, in order for payment to be made.~~

~~(2) Program participants must maintain the payment schedule agreed upon with the federal or state program, commercial lending institution, or holder of the program participant’s loan, while enrolled in the program.~~

*Rulemaking Authority 1009.66 FS. Law Implemented 1009.66 FS. History–New 3-10-02, Amended 1-7-03, Formerly 64E-23.003.*

**6A-20.053 Match Site Facilities Payment Requirement.**

*Rulemaking Authority 1009.66 FS. Law Implemented 1009.66 FS. History—New 3-10-02, Formerly 64E-23.004, Repealed*

**6A-20.053 Match Site Facilities Payment Requirement.**

(1) Match site facilities are Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, that employ program participants. They must match funds awarded from the program on a dollar-for-dollar basis, by contributions from the employing facility.

(2) Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, must annually pay 50% of the amount to be forwarded to the federal or state program, commercial lending institution, or holder of the program participant's loan. The maximum amount a match site facility is required to pay is \$2,000 per year, per program participant employee.

(3) The department will notify those Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, of the amount due from that facility, as the match portion of the annual payment, for each program participant employed at that facility, within 30 days before the ending date, each year, of the program participant's employment years.

(4) Matching funds payments from Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, must be received by the department, no later than 30 days after notification by the department, each year, that the match payment is due.

(5) The department will not authorize a payment to a federal or state program, commercial lending institution or holder of the program participant's loan, on behalf of the program participant employee of Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, until the matching funds payment is received by the department.

(6) Program participants, employed at Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, whose employing facility does not provide the matching funds payment, will not have a payment forwarded to the federal or state program, commercial lending institution or holder of the program participant's loan, can not renew participation in the program and the program participant's agreement will be terminated. Terminated program participants, who meet eligibility requirements in the future, may reapply for participation in the program.

(7) Affected program participants will be notified by the department of their program status.

*Rulemaking Authority 1009.66 FS. Law Implemented 1009.66 FS. History—New 3-10-02, Formerly 64E-23.004.*



**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.0785, Charter School Applicant Training Standards

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1002.33(28), Florida Statutes

**EXECUTIVE SUMMARY**

Currently, and pursuant to section 1002.33(6)(f)2., F.S., a charter school applicant must participate in training provided by the Department of Education (Department) after approval of an application but at least 30 calendar days before the first day of classes. However, a sponsor may require the charter school applicant to attend training provided by the sponsor in lieu of the department's training if the sponsor's training standards meet or exceed the standards developed by the Department. According to Rule 6A-6.0785, F.A.C., a sponsor intending to require charter school applicants to participate in training provided by the sponsor in lieu of the Department's training must annually certify that the sponsor's training standards meet or exceed the standards developed by the Department by completing Form IEPC-TS. In the more than five years since the rule went into effect, no sponsor has established applicant training standards using Form IEPC-TS. While section 1002.33(6)(f)2., F.S., still allows sponsors to require applicants to attend their own training in lieu of the Department's, the rule and form are unnecessary.

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**Supporting Documentation Included:** Rule 6A-6.0785, F.A.C.

**Facilitator:** Adam Miller, Executive Director, Office of Independent Education and Parental Choice



**6A-6.0785 Charter School Applicant Training Standards.**

*Rulemaking Authority 1002.33(27) FS. Law Implemented 1002.33(6)(f) FS. History—New 5-3-10, Amended 10-25-11, Repealed*

**6A-6.0785 Charter School Applicant Training Standards.**

Training will be provided to charter school applicants in accordance with Section 1002.33(6)(f), F.S.

(1)(a) Standards for charter school applicant training are specified in the Charter School Applicant Training Standards Certification Form, hereinafter, Form IEPC-TS, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00652>) which is hereby incorporated by reference to become a part of this rule to become effective October 25, 2011.

(b) Form IEPC-TS establishes the standards for charter school applicant training. The standards were developed by the Department pursuant to Section 1002.33(6)(f), F.S., and address the following topics: charter school laws and rules, charter school sponsor duties and services, developing and adjusting business plans, accounting for costs and income, accurate financial planning and good business practices, charter school audit requirements, and identifying and applying for the types and amounts of state and federal financial assistance a charter school may be eligible to receive.

(c) Copies of Form IEPC-TS may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, or on the School Choice web site at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org).

(2) A sponsor intending to require charter school applicants to participate in training provided by the sponsor in lieu of the Department's training, must annually certify that the sponsor's training standards meet or exceed the standards developed by the Department through the following process:

(a) The sponsor shall complete, sign, and submit a Form IEPC-TS prior to offering training to approved charter school applicants no later than January 31 of each year. The form shall be submitted to the Office of Independent Education and Parental Choice, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Upon receipt of Form IEPC-TS, the Department will, within ten (10) business days, notify the sponsor if the form is complete and satisfactorily demonstrates that the sponsor's standards meet or exceed the standards developed by the Department. If the form is not complete, or if additional information is required, the Department

will notify the sponsor in writing.

(c) Upon receipt of notification that Form IEPC-TS has been accepted by the Department the sponsor shall:

1. Send written or electronic notification about the training requirement to all approved charter school applicants for the most recent application cycle; and,

2. Post a notice about the required training in a prominent place on the sponsor's internet web site.

(3) A sponsor that does not intend to require charter school applicants to participate in training provided by the sponsor in lieu of the Department's training shall provide notification of the applicant training requirement established by Section 1002.33(6)(f)2., F.S., by sending written or electronic notification to all approved charter school applicants for the most recent application cycle. The notification shall include the Department's charter school website.

(4) Applicant training must be offered annually and scheduled in a manner that provides all approved applicants a reasonable opportunity to participate at least 30 days prior to the first day of classes at the charter school.

(5) Upon completion of the training, the provider shall present a certificate of participation to the applicant and maintain a record of the training date and the name and title of each attendee, including whether or not the attendee was a high-performing charter school or high-performing charter school system applicant.

(6) The sponsor may not require charter school applicants to attend sponsor training in lieu of the Department's training prior to the effective date of the rule as amended.

*Rulemaking Authority 1002.33(27) FS. Law Implemented 1002.33(6)(f) FS. History—New 5-3-10, Amended 10-25-11.*

**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.0980, K-8 Virtual School Program

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

Section 1002.415, Florida Statutes, was repealed during the 2014 Legislative Session. Rule 6A-6.0980, F.A.C., was the companion rule to the statute and therefore needs to be repealed.

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**Supporting Documentation Included:** Rule 6A-6.0980, F.A.C.

**Facilitator:** Adam Miller, Executive Director, Office of Independent Education and Parental Choice



This rule is hereby repealed.

**6A-6.0980 K-8 Virtual School Program**

*Rulemaking Authority 1002.415(9) FS. Law Implemented 1002.415 FS. History-New 3-1-07, Repealed*

**6A-6.0980 K-8 Virtual School Program.**

~~(1) Application.~~

~~(a) Each school wishing to participate in the K-8 Virtual School Program must submit to the Florida Department of Education, Form VSP – 01, K-8 Virtual School Program Application, which is incorporated by reference in this rule to become effective February 2007. This form is available by contacting the Florida Department of Education, Office of Independent Education and Parental Choice, Turlington Building, Room 522, Tallahassee, Florida 32399-0400.~~

~~(b) Form VSP – 01 must be submitted between March 1 and March 31 of each year for an applicant to be considered for participation during the following school year.~~

~~(2) Enrollment/Attendance Verification.~~

~~(a) Each virtual school participating in the program must verify the enrollment of students thirty (30) days prior to each payment date as specified in Section 1002.415(6)(b), F.S.~~

~~(b) Each virtual school participating in the program must maintain the attendance records and reports required by Section 1003.23, F.S. The virtual school must keep daily attendance for each enrolled student and must verify the continued attendance of each student.~~

~~(c) Upon verification of student enrollment and continued attendance, the Department shall make payments to participating schools according to the schedule contained in Section 1002.415, F.S.~~

~~(3) Accountability. Any K-8 virtual school that has a performance grade category of “D” or “F” as determined by Section 1008.34, F.S., must file a School Improvement Plan (SIP) with the Department within two (2) months of the grade’s release. The SIP must identify the causes of the virtual school’s low performance and propose a plan for correction and improvement.~~

*Rulemaking Authority 1002.415(9) FS. Law Implemented 1002.415 FS. History–New 3-1-07.*





**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-14.0261, General Powers of the President

---

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

This rule is to be repealed as there is no rulemaking authority.

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**Supporting Documentation Included:** Rule 6A-14.0261, F.A.C.

**Facilitator:** Madeline Pumariega, Chancellor, Florida College System



The following rule is hereby repealed:

**6A-14.0261 General Powers of the President.**

*Rulemaking Authority 1001.02(1), (9), 1001.65 FS. Law Implemented 1001.61, 1001.64 FS. History—New 12-19-74, Formerly 6A-8.77, Amended 12-9-75, 12-26-77, 7-26-84, Formerly 6A-14.261, Repealed*

**6A-14.0261 General Powers of the President.**

~~The president shall:~~

- ~~(1) Exercise general oversight of the college to determine needs and recommend improvements.~~
- ~~(2) Advise and counsel the board of trustees and recommend board action.~~
- ~~(3) Recommend and enforce rules of the board of trustees.~~
- ~~(4) Recommend and enforce minimum standards for the operation of college programs and for student completion of instructional programs.~~
- ~~(5) Perform duties and exercise responsibilities assigned by law, by rules of the State Board of Education, and by the board of trustees.~~
- ~~(6) Delegate authority necessary to insure that laws and rules are executed efficiently.~~

*Rulemaking Authority 1001.02(1), (9), 1001.65 FS. Law Implemented 1001.61, 1001.64 FS. History—New 12-19-74, Formerly 6A-8.77, Amended 12-9-75, 12-26-77, 7-26-84, Formerly 6A-14.261.*



**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-14.0432, Military Leave

---

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

This rule is to be repealed as there is no rulemaking authority.

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**Supporting Documentation Included:** Rule 6A-14.0432, F.A.C.

**Facilitator:** Madeline Pumariega, Chancellor, Florida College System



The following rule is hereby repealed:

**6A-14.0432 Military Leave.**

*Rulemaking Authority 115.09, 115.14, 295.09, 1001.02(1), (9), 1012.855 FS. Law Implemented 115.09, 115.14, 295.09 FS. History—New 12-19-74, Formerly 6A-8.7253, Amended 3-11-85, 11-5-85, Formerly 6A-14.432, Repealed*

**6A-14.0432 Military Leave.**

~~(1) Leave shall be granted to employees who are ordered to:~~

~~(a) Federal active or inactive duty training due to membership in military reserves, including the National Guard. The first seventeen (17) days of such leave per year shall be with pay. Leave beyond the seventeen (17) days shall be without pay.~~

~~(b) State active duty due to membership in the Florida National Guard. Such leave not exceeding seventeen (17) days at any one time shall be with pay. Leave beyond the seventeen (17) days at one time shall be without pay.~~

~~(2) Leave granted to employees for extended active military service shall be according to Sections 115.09, 115.14 and 295.09, F.S.~~

*Rulemaking Authority 115.09, 115.14, 295.09, 1001.02(1), (9), 1012.855 FS. Law Implemented 115.09, 115.14, 295.09 FS. History—New 12-19-74, Formerly 6A-8.7253, Amended 3-11-85, 11-5-85, Formerly 6A-14.432.*





**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-14.0571, Religious Observance by Students

---

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

This rule is to be repealed as there is no rulemaking authority.

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**Supporting Documentation Included:** Rule 6A-14.0571, F.A.C.

**Facilitator:** Madeline Pumariega, Chancellor, Florida College System



The following rule is hereby repealed:

**6A-14.0571 Religious Observance by Students.**

*Rulemaking Authority 1006.53 FS. Law Implemented 1006.53 FS. History–New 7-17-89, Formerly 6H-1.043, Repealed*

**6A-14.0571 Religious Observance by Students.**

Each board of trustees shall adopt a policy to accommodate the religious observance of students pursuant to Section 1006.53, F.S.

(1) The policy shall provide for accommodation by providing for reasonable alternative means for students to carry out their responsibilities as students when their religious observance interferes with:

- (a) Admission and registration.
- (b) Attendance in class, class activities, examinations, and official ceremonies.
- (c) Classwork assignments.

(2) The policy shall provide for:

(a) Students to notify instructors in advance of absences to observe religious holy days in their own faith, and to be excused for such absences without penalty.

(b) Students to be held responsible for material covered during their absences, with reasonable time provided to complete make up assignments.

(c) Scheduling major class assignments, major examinations, and official ceremonies on other than major religious holy days whenever practicable.

(d) Students to seek redress when they believe they have been unreasonably denied educational benefits due to their religious beliefs or practices.

(3) The policy shall be made known to faculty and students by publication annually in the institution's handbook, manual, or other similar document regularly provided to faculty and students.

*Rulemaking Authority 1006.53 FS. Law Implemented 1006.53 FS. History–New 7-17-89, Formerly 6H-1.043.*



**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-1.0944, Access, Maintenance and Destruction of State Student Assessment Tests and Related Materials

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

Rule 6A-1.0944, F.A.C., is recommended for repeal because the rule applies to a discontinued state assessment, the SSAT, and is superseded by Rule 6A-10.042, F.A.C.

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**Supporting Documentation Included:** Rule 6A-1.0944, F.A.C.

**Facilitator:** Juan Copa, Deputy Commissioner, Division of Accountability, Research, and Measurement



The following rule is hereby repealed:

**6A-1.0944 Access, Maintenance and Destruction of State Student Assessment Tests and Related Materials.**

*Rulemaking Authority 1008.23 FS. Law Implemented 1008.23 FS. History—New 9-12-78, Formerly 6A-1.944. Repealed.*

**6A-1.0944 Access, Maintenance and Destruction of State Student Assessment Tests and Related Materials.**

~~(1) Access to the state student assessment tests administered pursuant to Sections 1003.4156, 1003.428, 1003.43, 1003.438, 1008.22, 1008.25, F.S., including developmental materials and work papers directly related to the tests shall be limited to the following persons:~~

~~(a) Officers and employees of the Department and persons under contract with the Department whose duties require them to have access to the tests, developmental materials and work papers directly related to the tests.~~

~~(b) At the discretion of the Commissioner and upon his or her personal determination and authorization, access may be permitted for each of the following:~~

- ~~1. Persons assisting the Department in developing, reviewing and validating the tests,~~
- ~~2. Persons assisting the Department in communicating to the public general information about the tests, and~~
- ~~3. Persons engaged in educational research needing the tests for legitimate research purposes.~~

~~(2) All student answer sheets and related materials shall be stored by the Department or its designee for a period of not less than two (2) years after the materials are produced or collected. At the end of two (2) years, the materials may be destroyed upon approval of the Commissioner. Test booklets may be destroyed immediately following testing in accordance with procedures established by the commissioner.~~

~~(3) At least one (1) set of final student test results on computer tape shall be retained by the Department or its designee for a period of not less than five (5) years. At the end of the five (5) years, the tapes may be destroyed.~~

*Rulemaking Authority 1008.23 FS. Law Implemented 1008.23 FS. History—New 9-12-78, Formerly 6A-1.944.*





**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-1.09982, Reporting Requirements for School Improvement and Accountability

---

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

Rule 6A-1.09982, F.A.C., required districts to develop procedures for schools to annually issue the School Public Accountability Reports (SPARs) to parents, guardians, and adult students, as well as community members upon request. Section 230.23(3), F.S., required the accountability system to recognize schools' success toward eight (8) state and local educational goals, and this section of statute was repealed in 2002; therefore, the rulemaking authority for the reporting requirements in Rule 6A-1.09982, F.A.C., no longer exists.

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**Supporting Documentation Included:** Rule 6A-1.09982, F.A.C.

**Facilitator:** Juan Copa, Deputy Commissioner, Division of Accountability, Research, and Measurement



**6A-1.09982 Reporting Requirements for School Improvement and Accountability.**

Rulemaking Authority 229.592(3)(e), (5), 230.23(18)(e) FS. Law Implemented 229.591(3), 229.592(3)(e), (5), 230.23(18)(e) FS. History—New 9-27-93, Amended 8-13-96, Repealed

**6A-1.09982 Reporting Requirements for School Improvement and Accountability.**

(1) Each district school board is responsible for developing and implementing procedures for schools to use when issuing annual school reports. Each school must distribute a school public accountability report to all parents, guardians, and adult students and make it available to the general community upon request. Reports shall be distributed no later than December 15, 1996, and on or before November 15 in 1997 and each year thereafter. The reports shall follow a uniform district-wide format that is easy to read and understand. The school advisory council report for each school shall contain data for school improvement planning and must be made available to the general public upon request.

(2) The school public accountability report must include:

(a) The key data elements contained in the report entitled Florida's System of School Improvement and Accountability which was approved by the State Board of Education in June 1995. These data elements are hereby incorporated by reference and made a part of this rule. Data will be reported by school, district and state levels where applicable. Beginning with 1996-97 school year data and each year thereafter, the report shall provide assessment data on the school's progress in eight goal areas by including, where applicable, school, district and state current levels of performance on the following indicators:

1.a. Goal. Readiness to start school. Communities and schools collaborate to prepare children and families for children's success in school.

b. Indicator. Number and percentage of students meeting the expectations of the state for school readiness as determined by a formal observation of each kindergarten student using an instrument that meets guidelines developed by the Department of Education.

2. Goal. Graduation rate and readiness for postsecondary education and employment. Students graduate and are prepared to enter the workforce and postsecondary education.

a. Indicator. Number and percentage of students who graduate from high school as defined in Section 232.2468, F.S.

b. Indicator. Number and percentage of students sixteen (16) years or older who were reported as dropouts at the end of each school year.

c. Indicator. Number and percentage of students who meet the state levels in reading, writing, and mathematics for placement into college-level courses.

d. Indicator. Number and percentage of graduates who are employed, enrolled in postsecondary programs, or enlisted in the military using the most recently available data.

3.a. Goal. Student performance. Students successfully compete at the highest levels nationally and internationally and are prepared to make well-reasoned, thoughtful, and healthy life-long decisions.

b. Indicator. Student performance results on state-designated external student assessments at various grade levels, including Florida Writes!, the High School Competency Test, and locally administered norm-referenced tests at grades four (4) and eight (8).

4. Goal. Learning environment. School boards provide a learning environment conducive to teaching and learning.

a. Indicator. Results of an annual locally-administered school learning environment survey.

b. Indicator. Number and percentage of teachers and staff who are new to the school at the beginning of each school year.

c. Indicator. Number and percentage of students absent eleven (11) to twenty (20) days and twenty-one (21) or more days each year.

d. Indicator. Average number of days teachers and administrators were not in attendance at the school for reasons classified as personal leave, sick leave, and temporary duty elsewhere.

5.a. Goal. School safety and environment. Communities provide an environment that is drug-free and protects

students' health, safety, and civil rights.

b. Indicator. Number and percentage of incidents of violence, weapons violations, vandalism, substance abuse, and harassment on the bus, on campus, and at school-sponsored activities.

6. Goal. Teachers and staff. The schools, districts, and state ensure professional teachers and staff.

a. Indicator. Number and percentage of classes taught by out-of-field teachers.

b. Indicator. Number and percentage of teachers, administrators, and staff who receive satisfactory annual evaluations based on the district assessment system.

c. Indicator. Number and percentage of teachers in the school who have earned degrees beyond the bachelor's level.

7.a. Goal. Adult literacy. Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship.

b. Indicator. Number of adult students served by the district earning a State of Florida High School diploma either by earning credits and taking the High School Competency Test or taking and passing the General Education Development tests.

8.a. Goal. Parental involvement. Communities, school boards, and schools provide opportunities for involving parents and guardians as active partners in achieving school improvement and education accountability.

b. Indicator. Number and percentage of school advisory council members by membership type and racial/ethnic category.

(b) A summary of the school improvement plan results.

(c) A notice of the availability of the school advisory council report.

(d) The amount of Education Enhancement Trust Funds received and allocated by the district and by the school, and how and for which programs such allocations were used for educational enhancement and supporting school improvement. The total Education Enhancement Trust Funds received by a school shall also be reported on a per unweighted FTE basis.

(e) Schools operating vocational and technical education programs will also report data as required by Section 239.233, F.S.

(3) The school advisory council report must include:

(a) For the 1995-96 school year data, the key and available data elements disaggregated by gender and race/ethnic subpopulation where appropriate, beginning with available 1992-93 data and, where applicable, by school, district, and state levels.

(b) Beginning with 1996-97 school year data, all of the information contained in the school public accountability report disaggregated by gender and race/ethnic subpopulation and, where applicable, by school, district, and state levels.

*Rulemaking Authority 229.592(3)(e), (5), 230.23(18)(e) FS. Law Implemented 229.591(3), 229.592(3)(e), (5), 230.23(18)(e) FS. History—New 9-27-93, Amended 8-13-96.*

**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-7.0712, Local Instructional Improvement Systems

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

Rule 6A-7.0712, F.A.C., required districts in response to Florida's acceptance of the Race to the Top grant to comply with the department's Local Instructional Improvement System minimum standards by June 30, 2014. The Local Instructional Improvement System is an integrated informational system that uses electronic and digital tools to provide educators, students and parents with data and resources for educational management. Rule 6A-7.0712, is being repealed because Section 1006.281, Florida Statutes, was repealed and the rulemaking authority for this rule no longer exists.

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**Supporting Documentation Included:** Rule 6A-7.0712, F.A.C.

**Facilitator:** Juan Copa, Deputy Commissioner, Division of Accountability, Research, and Measurement



The following rule is hereby repealed:

**6A-7.0712 Local Instructional Improvement Systems.**

Rulemaking Authority 1006.281 FS. Law Implemented 1006.281 History–New 12-22-11, Repealed

**6A-7.0712 Local Instructional Improvement Systems.**

(1) Each school district shall develop and implement a Local Instructional Improvement System consistent with the Florida Department of Education's minimum standards by June 30, 2014. The Department's Local Instructional Improvement Systems Minimum Standards (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00658>) December 2011 are hereby incorporated by reference and may be obtained on the Department's web site at <http://www.fldoe.org/arra/LIISMS.asp>.

(2) To determine the progress districts are making toward compliance with the minimum standards and determine compliance with the minimum standards and Section 1006.281, F.S., districts will be required to report to the Department on an annual basis. The Department will notify districts of the due date of the report no later than sixty days prior to the date the report is due.

(3) Beginning in fiscal year 2014-15, the Department shall review the minimum standards for needed revisions at least every three (3) years.

*Rulemaking Authority 1006.281 FS. Law Implemented 1006.281 History–New 12-22-11.*





**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-1.09417, Curriculum Frameworks – Lifelong Learning Noncredit Courses, Adults – High School and Non-High School Graduates.

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

This rule was enacted in 1988. The statutes authorizing the development of Lifelong learning adult noncredit course curriculum frameworks were repealed. Currently there is no statutory authority for the development of Adult lifelong learning noncredit course curriculum frameworks.

This repeal does not preclude school districts or Florida College System institutions from offering lifelong learning noncredit courses. Lifelong learning is defined in s. 1004.02 (17), F.S., as noncredit course or activity offered by a school district or Florida College System institution that seeks to address community social and economic issues related to health and human relations, government, parenting, consumer economics, and senior citizens.

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**Supporting Documentation Included:** Rule 6A-1.09417, F.A.C.

**Facilitator:** Rod Duckworth, Chancellor, Division of Career and Adult Education.



**6A-1.09417 Curriculum Frameworks – Lifelong Learning Noncredit Courses, Adults – High School and Non-High School Graduates.**

*Rulemaking Authority 229.053(1), 229.565, 233.011(2)(a) FS. Law Implemented 228.041(35), 230.23(7), 232.2454, 233.011, 233.09, 233.165 FS. History–New 12-27-88, Repealed*

**6A-1.09417 Curriculum Frameworks – Lifelong Learning Noncredit Courses, Adults – High School and Non-High School Graduates.**

A curriculum framework is a set of broad guidelines which aids educational personnel in producing specific instructional plans for a given subject area or area of study and which is consistent with the “Course Code Directory and Instructional Personnel Assignments” adopted by reference in Rule 6A-1.09441, F.A.C. Curriculum frameworks for the lifelong learning noncredit courses approved by the State Board are contained in the publication, “Curriculum Frameworks for Lifelong Learning Noncredit Courses, Adults – High School and Non-High School Graduates,” which is hereby incorporated by reference to become effective December, 1988. Copies of this publication may be obtained from the Bureau of Adult and Community Education, Department of Education, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

*Rulemaking Authority 229.053(1), 229.565, 233.011(2)(a) FS. Law Implemented 228.041(35), 230.23(7), 232.2454, 233.011, 233.09, 233.165 FS. History–New 12-27-88.*



**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.010, General Adult Education

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.41(5), Florida Statutes

**EXECUTIVE SUMMARY**

The statutory authority for this rule (s. 236.081(1)(c), Florida Statutes) has been repealed. There are numerous provisions contained in statute that allow school districts and Florida College System institutions to offer workforce education programs (career education and adult general education), community education, lifelong learning, recreational and leisure pursuits, continuing workforce education, and workforce literacy. These provisions are contained in ss. 1001.41(3), 1001.44, 1004.02, 1004.65(6)(a)-(c), 1004.93 and 1004.98, Florida Statutes.

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**Supporting Documentation Included:** Rule 6A-6.010, F.A.C.

**Facilitator:** Rod Duckworth, Chancellor, Division of Career and Adult Education



**6A-6.010 General Adult Education.**

*Rulemaking Authority 1001.41(5) FS. Law Implemented 1000.04(1), 1001.41(5) FS. History–New 12-5-74, Amended 7-2-79, Formerly 6A-6.10, Amended 10-17-89, Repealed*

**6A-6.010 General Adult Education.**

~~School boards are hereby authorized to establish schools, classes, or courses or otherwise provide for the general educational needs of adults, utilizing existing public school facilities and other appropriate facilities available for such purposes locally. School district adult education programs which meet the applicable criteria established pursuant to Section 236.081(1)(c), F.S., are deemed to be accredited for the following purposes: awarding of Veterans Administration educational benefits; acceptance of student transfer credits by non-Florida programs; and validity of high school diplomas awarded in meeting entrance requirements established by institutions of higher learning. Lifelong learning as specified in Section 236.081(1)(c), F.S., is excluded.~~

*Rulemaking Authority 1001.41(5) FS. Law Implemented 1000.04(1), 1001.41(5) FS. History–New 12-5-74, Amended 7-2-79, Formerly 6A-6.10, Amended 10-17-89.*





**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.011, Definition of Adult Student

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

This rule was enacted in 1973 and subsequently amended in 1974 and 1989. The statutes authorizing rulemaking authority were repealed. Currently there is no rulemaking authority to define an adult student in rule.

This repeal will not impact school districts or Florida College System institutions as the definition of adult student is provided in section 1004.02(5), Florida Statutes, and defined as "a student who is beyond the compulsory school age and who has legally left elementary or secondary school."

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**Supporting Documentation Included:** Rule 6A-6.011, F.A.C.

**Facilitator:** Rod Duckworth, Chancellor, Career and Adult Education.



**6A-6.011 Definition of Adult Student.**

*Rulemaking Authority 228.061(4)(a)3., 229.053(1), 239.115 FS. Law Implemented 228.061, 236.013(2)(c)1., (v) FS. History—New 7-20-73, Amended 6-17-74. Repromulgated 12-5-74, Formerly 6A-6.11, Amended 10-17-89, Repealed*

**6A-6.011 Definition of Adult Student.**

~~An adult student is one who is beyond the compulsory school age and who has legally left the elementary or secondary school or a high school student who is taking an adult course required for high school graduation.~~

*Rulemaking Authority 228.061(4)(a)3., 229.053(1), 239.115 FS. Law Implemented 228.061, 236.013(2)(c)1., (v) FS. History—New 7-20-73, Amended 6-17-74. Repromulgated 12-5-74, Formerly 6A-6.11, Amended 10-17-89.*



**STATE BOARD OF EDUCATION****Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.015, Professional Requirements for Administrators and Supervisors of Adult General Education Program

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.03, 1012.55(1), Florida Statutes

**EXECUTIVE SUMMARY**

This rule is being repealed because it is duplicative of Rule 6A-4.008, Specialization Requirements for Certification in Administration of Adult Education-Administrative Class. Rule 6A-4.008 provides detailed requirements for applicants seeking certification in administration of adult education.

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**Supporting Documentation Included:** Rule 6A-6.015, F.A.C.

**Facilitator:** Rod Duckworth, Chancellor, Division of Career and Adult Education



**6A-6.015 Professional Requirements for Administrators and Supervisors of Adult General Education Program.**

*Rulemaking Authority 1001.03, 1012.55(1) FS. Law Implemented 1001.03, 1001.42(5)(b), 1012.55(1) FS. History--New 2-20-64, Repromulgated 12-5-74, Formerly 6A-6.15, Amended 10-17-89, Repealed*

**6A-6.015 Professional Requirements for Administrators and Supervisors of Adult General Education Program.**

~~District directors, coordinators, or supervisors who are assigned administrative or supervisor responsibilities in adult general education, and full-time principals of adult general education schools, shall hold a professional certificate covering administration of adult education. Part-time principals, or assistant administrators to the district director, shall hold a professional certificate at the master's or higher degree level of training at the time of appointment to such positions, and after five years of service in such part-time work shall hold a professional certificate covering administration of adult education.~~

*Rulemaking Authority 1001.03, 1012.55(1) FS. Law Implemented 1001.03, 1001.42(5)(b), 1012.55(1) FS. History--New 2-20-64, Repromulgated 12-5-74, Formerly 6A-6.15, Amended 10-17-89.*





**STATE BOARD OF EDUCATION****Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.055, Definitions of Terms Used in Vocational Education and Adult Programs

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

This rule was enacted in 1970 and was last amended in 1999. The definitions adopted in this rule are not current and all relevant definitions required under section 1001.03(12), Florida Statutes, are included in Rules 6A-10.033, Postsecondary Instructional Units and 6A-14.030, Instruction and Awards in Community Colleges. Student membership is defined in other State Board of Education rules (FTE reporting instructions are adopted annually in Rule 6A-1.0451). In addition, statutory authority no longer exist for the limitation of the maximum funding hours of cooperative education.

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**Supporting Documentation Included:** Rule 6A-6.055, F.A.C.

**Facilitator:** Rod Duckworth, Chancellor, Division of Career and Adult Education



**6A-6.055 Definitions of Terms Used in Vocational Education and Adult Programs.**

*Rulemaking Authority 1001.03(12) FS. Law Implemented 229.551(1)(g), 233.068, 239.205, 1000.04(1), (2) FS. History—New 8-9-68, Amended 4-11-70, 9-17-72, 4-19-74, Repromulgated 12-5-74, Amended 5-25-82, Formerly 6A-6.55, Amended 7-20-89, 9-28-99, Repealed*

**6A-6.055 Definitions of Terms Used in Vocational Education and Adult Programs.**

(1) Definitions of terms necessary for managing a uniform coordinated system of vocational education for all levels of the state system of public education shall be published by the Commissioner in a document titled, "Applied Technology and Adult Education Acronyms and Definitions, Second Edition". These definitions are hereby incorporated in this rule and made a part of the rules of the State Board.

(2) Student membership hour. A student membership hour is defined as one (1) student in membership for sixty (60) minutes exclusive of time for change of class when engaged in on-campus laboratory, shop or classroom instruction, or at an approved on-the-job training station to which he or she has been assigned by proper authority, or away from school and engaged in an educational activity which constitutes a part of the school approved instructional program for that student.

(3) Maximum funding hours for cooperative education. In no case shall a secondary student enrolled in a secondary job preparatory program utilizing the cooperative education method of instruction or other types of programs incorporating on-the-job training be counted for more than twenty-five (25) clock hours per week of combined membership as prescribed by subsection 6A-6.055(2), F.A.C.

*Rulemaking Authority 1001.03(12) FS. Law Implemented 229.551(1)(g), 233.068, 239.205, 1000.04(1), (2) FS. History—New 8-9-68, Amended 4-11-70, 9-17-72, 4-19-74, Repromulgated 12-5-74, Amended 5-25-82, Formerly 6A-6.55, Amended 7-20-89, 9-28-99.*



**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.065, Instructional Components of Vocational Education

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

This rule was enacted in 1971 with subsequent amendments in 1972, 1974, 1976 and 1991. It defined the instructional components of vocational education programs offered in school districts or Florida College System institutions. The rulemaking authority citations (sections 229.053, 233.068, 239.229, Florida Statutes) were repealed. However, there are numerous provisions contained in statute that allow school districts and Florida College System institutions to offer and organize secondary and postsecondary career and technical education programs. These provisions are contained in ss. 1001.41(3), 1001.42(4)(h-i), 1001.42(26), 1001.44, 1003.01(4) and (15), 1004.65(5)(b) and 1004.92, Florida Statutes.

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**Supporting Documentation Included:** Rule 6A-6.065, F.A.C.

**Facilitator:** Rod Duckworth, Chancellor, Division of Career and Adult Education



**6A-6.065 Instructional Components of Vocational Education.**

*Rulemaking Authority 229.053, 233.068, 239.229 FS. Law Implemented 228.041(22), 233.068 FS. History--New 8-18-71, Amended 9-17-72, 10-31-74, 12-5-74, 5-4-76, Formerly 6A-6.65, Amended 8-12-91, Repealed*

**6A-6.065 Instructional Components of Vocational Education.**

The comprehensive vocational education program shall be offered in components organized as follows:

(1) Instruction in grades 1 through 5 to familiarize pupils, including those considered to be disadvantaged or handicapped, with the world of work. Emphasis is placed on the relationship of the world of work to the ongoing instructional program.

(2) Instruction in grades 6 through 9 to pupils, including those considered to be disadvantaged or handicapped, in the following areas:

(a) To provide occupational exploratory experiences, including technology education and vocationally oriented home economics.

(b) To provide direct job related instruction for potential school leavers and others if essential in meeting their educational needs.

(c) To assist students in planning a complete four (4) year program of secondary studies.

(3) Instruction in grades 9 through 12 to pupils, including those considered to be disadvantaged or handicapped, in the following areas:

(a) To provide direct job related instruction, including registered preapprenticeship training, for pupils planning to graduate and for pupils who may leave school before graduation.

(b) To provide technology education for those planning to enroll in an advanced or highly skilled vocational or technical program at the postsecondary level.

(c) To provide instruction in vocationally oriented home economics.

(4) Instruction, including registered preapprenticeship training, at the postsecondary level to provide youth under nineteen (19) years of age who have completed high school or left school before high school graduation, who are unemployed and underemployed, including those considered to be disadvantaged or handicapped, with organized programs of instruction to prepare them for gainful employment.

(5) Instruction at the postsecondary level to provide persons nineteen (19) years of age and older, who have completed high school or left school before high school graduation, including those considered to be disadvantaged or handicapped, with organized programs of instruction, leading to a certificate or an associate degree in a community college to prepare them for gainful employment.

(6) Instruction at the adult level to provide training or retraining to insure stability or advancement in employment to adults who have already entered the labor market and who are employed or seeking employment, including those considered to be disadvantaged or handicapped or vocational oriented home economics designed to prepare adults for the role of homemaker, or to contribute to the employability of such adults in the dual role of homemaker and wage earner.

(7) To provide appropriate special vocational education programming for disadvantaged and handicapped students at appropriate levels of education.

(8) To provide activities for students in vocational student organizations as an integral part of the instruction offered in subsections (2), (3), (4) and (5) above. When vocational student organization activities are conferences, workshops or meetings which require participating students to travel outside their home school district, each such activity shall be approved by the Director, Division of Workforce Development, Department of Education, and placed annually on a published calendar. All vocational student organization conferences, workshops or meetings requiring students to travel outside their home district shall comply with the following rules:

(a) One-day meetings shall be scheduled on any weekday or Saturday. Registration shall not begin before 8:00 a.m. on the date of the meeting.

(b) Two-day meetings shall be held on Thursday, Friday or Saturday except that registration may begin anytime

after 6:00 p.m. on the day prior to the opening meeting.

(c) Three-day meetings shall be held on Thursday, Friday, Saturday or Sunday, except that registration may begin anytime after 6:00 p.m. on the day prior to the opening meeting.

(d) No meeting shall be scheduled for more than three (3) days.

(e) No students shall attend a meeting unless the school administration has made arrangement for their chaperonage by responsible adults.

(f) Any secondary school which permits unchaperoned students to participate in a vocational youth organization meeting without reporting the case and its circumstances to the Director, Division of Workforce Development, Department of Education, shall not be approved by the Director to participate in approvable activities for a period of up to one (1) year.

(g) No meeting shall be scheduled unless the sponsor has made adequate arrangements for housing and meeting spaces.

(h) When an unsatisfactory written report of any meeting is filed by the hotel or a participant with the Director, he or she may withhold further approval of meetings of the involved vocational student organization until, in his or her judgment, the situation has been resolved or will not reoccur.

(i) The Director may refuse a place on the published calendar of any vocational student organization activity if the organization fails to provide the information called for on the application form. Copies of the programs or agendas of the organization's meetings of the previous year are essential information which shall be filed with the application.

(j) The Division Director may assign dates other than those requested when, in the Director's opinion, the best interests of the entire vocational student organization program will be served.

(k) School principals or teachers shall not permit any student in their school or class to attend any vocational student organization meeting outside the student's home school district unless that meeting has been approved by the Director, Division of Workforce Development, Department of Education, and is sponsored or conducted by one (1) of the following organizations:

1. Cooperative Education Clubs of Florida.
2. Florida Association, Distributive Education Clubs of America.
3. Florida Association, Future Farmers of America.
4. Florida Association, Future Homemakers of America/Home Economics Related Occupations.
5. Florida Association of the Vocational Industrial Clubs of America.
6. Florida State Chapter, Future Business Leaders of America.
7. Florida State Chapter, Phi Beta Lambda.
8. Florida Association, Health Occupations Students of America.
9. Florida Technology Student Association.
10. Florida Association of Public Service Students.

*Rulemaking Authority 229.053, 233.068, 239.229 FS. Law Implemented 228.041(22), 233.068 FS. History—New 8-18-71, Amended 9-17-72, 10-31-74, 12-5-74, 5-4-76, Formerly 6A-6.65, Amended 8-12-91.*



**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-1.093, Florida Academic Scholars Certificate

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

This rule is to be repealed as there is no rulemaking authority for this rule.

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**Supporting Documentation Included:** Rule 6A-1.093, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-1.093 Florida Academic Scholars Certificate.**

*Rulemaking Authority 229.053(1), 232.2465(6) FS. Law Implemented 229.814, 232.246, 232.2465, 233.011, 240.402 FS. History--New 4-5-83, Amended 2-13-84, 5-14-85, Formerly 6A-1.93, Amended 7-3-86, 8-15-87, 4-18-89, 4-3-90, 6-10-92, 3-20-96, Repealed*

**6A-1.093 Florida Academic Scholars Certificate.**

The Florida Academic Scholars Certificate shall be awarded by the Commissioner to any graduate from a Florida public or nonpublic high school who meets the requirements of Section 232.2465, F.S., and the requirements specified herein. A student receiving a Florida Academic Scholars Certificate or International Baccalaureate Diploma is eligible to apply for participation in the Florida Undergraduate Scholars Fund established by Section 240.402, F.S. The non-International Baccalaureate graduate shall complete a minimum of twenty-four (24) academic credits in high school. Course titles and numbers identified in the previous versions of this rule may be used to determine a student's eligibility for the Florida Academic Scholars Certificate.

(1) The specific subject and course requirements are identified annually in the Course Code Directory and Instructional Personnel Assignments, as incorporated by reference in Rule 6A-1.09441, F.A.C. A student may substitute the International Baccalaureate Diploma curriculum for specific course requirements.

(2) Each required credit shall be based on classroom or individual instruction with no final course grade below a "C" in a course for which credit is granted.

(3) The public high school principal or head administrator of the nonpublic high school shall have the responsibility for determining the equivalency of transfer credit in accordance with subsection 6A-1.095(1), F.A.C.

(4) A course successfully completed in a university or community college accredited by a member of the Council on Postsecondary Accreditation may be substituted for any of the courses identified in subsection (1) of this rule when a determination has been made by the public school principal or head administrator of the nonpublic school that the course content and requirements substantially equal or exceed the course for which it is being substituted and credit for the course is granted by the high school.

(5) The non-International Baccalaureate graduate shall have obtained at least the equivalent of a 3.0 grade point average on an unweighted 4.0 scale for all courses taken for which high school credit may be granted.

(6) The non-International Baccalaureate graduate shall have scored 1100 or more on the combined verbal and quantitative parts on multiple administrations of the Scholastic Aptitude Test of the College Entrance Examination Board if taken before April 1, 1995, or score 1180 or more on the combined verbal and quantitative parts of Scholastic Assessment Test of the College Entrance Examination Board if taken on or after April 1, 1995, or a composite score of 26 or higher on the Enhanced ACT.

(7) The district superintendent of schools for public schools or the head administrator of the nonpublic school shall be responsible for submitting evidence, not later than thirty (30) days after the student completes the requirements for graduation, of the graduate's achievement of the Florida academic scholars criteria which shall be based on an official transcript. Evidence shall be submitted to the Deputy Commissioner for Educational Programs, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(8) Any student earning an International Baccalaureate diploma is eligible to receive a Florida Academic Scholars Certificate.

*Rulemaking Authority 229.053(1), 232.2465(6) FS. Law Implemented 229.814, 232.246, 232.2465, 233.011, 240.402 FS. History--New 4-5-83, Amended 2-13-84, 5-14-85, Formerly 6A-1.93, Amended 7-3-86, 8-15-87, 4-18-89, 4-3-90, 6-10-92, 3-20-96.*



**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-7.0100, Merit Award Program for Instructional Personnel and School-Based Administrators K-12

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

The Legislature repealed sections 1012.225, Merit Award Program for Instructional Personnel and School-Based Administrators, and 1012.2251, End-of-course examinations for Merit Award Program, Florida Statutes. Rule 6A-7.0100, F.A.C., is therefore no longer supported by statutory authority and is proposed for repeal.

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**Supporting Documentation Included:** Rule 6A-7.0100, F.A.C.

**Facilitator:** Brian Dassler, Deputy Chancellor for Educator Quality



**6A-7.0100 Merit Award Program for Instructional Personnel and School-Based Administrators.***Rulemaking Authority 1012.225, 1012.2251 FS. Law Implemented 1012.225 FS. History--New 11-20-07, Repealed***6A-7.0100 Merit Award Program for Instructional Personnel and School-Based Administrators.**

Section 1012.225, F.S., establishes the Merit Award Program as an opportunity for Florida school districts and charter schools to receive state funding for implementing performance pay plans to reward high performing instructional and school-based administrative personnel in accordance with the authorizing statute. This rule sets forth requirements for implementation provisions required by Section 1012.225(4), F.S.

(1) Calculation of the average teacher salary for each district. The calculation of the average teacher salary for each school district will be performed by the Department no later than June 1 of each year. The calculation will be based upon salary information for all of the district's classroom teachers as defined in Section 1012.01(2)(a), F.S., as reported in the February Student and Staff Membership Survey (Survey 3).

(2) Procedures for reviewing school district and charter school Merit Award Program plans. By October 1 of each year for use in the following school year, each school district and charter school seeking to participate in the Merit Award Program shall submit to the Commissioner of Education a plan for distribution of performance bonuses in an amount that equals no less than five (5) percent and no more than ten (10) percent of the district's average teacher salary to high performing employees in the district. The plan must comply with Section 1012.225, F.S., as evidenced by documentation of all of the following:

(a) The plan includes all instructional personnel, with the exception of substitute teachers, as defined in Sections 1012.01(2)(a)-(d), F.S., and school-based administrators, as defined in Section 1012.01(3)(c), F.S. Each district or charter school must include all such employees without requiring them to apply for participation and may not exclude or hinder any employee due to his or her qualification for any other bonus or award.

(b) Final calculation of bonus awards includes a student performance component that is weighted no less than sixty (60) percent of the calculation and is based on the performance of students that are assigned to each instructional staff member's classroom or to each administrator's school. The documentation of the student performance component must include descriptions of the following:

1. Whether awards are provided to eligible individuals or instructional teams. If instructional teams are included in the plan, the description of such teams must meet the requirement of paragraph (2)(b) of this rule, such that instructional staff must be evaluated on the performance of students who are within the staff member's academic sphere of responsibility. Personnel who are team teaching or co-teaching may be considered an instructional team.

2. The methods that will result in a determination of student proficiency, student gains in learning, or both, as applicable for all personnel assessed.

3. The assessments or tests from which results will be used to determine this component for each staff member. Such assessments must be taken from the following in accordance with Sections 1012.225 and 1012.2251, F.S.:

a. Statewide standardized tests, or, for subjects and grades that are not measured by the statewide assessment program, by national, state, or district-determined testing instruments that measure the State content standards, curriculum frameworks, or course descriptions for the content area assigned and grade level taught.

b. End-of-course examinations utilized by a district for this purpose must be based on the State content standards, curriculum frameworks, or course descriptions for the content area assigned and grade level taught in order to measure a student's understanding and mastery of the entire course in all grade groupings and subjects for any year in which the districts participate in the program. The statewide standardized assessment, College Board Advanced Placement Examination, International Baccalaureate examination, Advanced International Certificate of Education examination, or examinations resulting in national industry certification recognized by the Agency for Workforce Innovation also satisfy the requirements of this rule for the respective grade groupings and subjects assessed by these examinations and assessments. A district must offer student assessments as described in this section in order to participate in the Merit Award Program.

(c) Final calculation of bonus awards includes a professional practices component that is weighted no more than forty (40) percent of the calculation. The appraisal instrument and methods used to assess the professional practices

component must be included in the documentation and must reflect methods to assess performance in each of the criteria listed in Section 1012.225(3)(e), F.S.;

(d) The plan for distribution of awards results in a balance between awards earned primarily based upon student proficiency and awards primarily based upon student growth in learning for high performing employees who are also employed in a Florida public school on September 1 of the following school year;

(e) Procedures that will be used to inform all included staff members of the plan and how to qualify for an award;

(f) If included, the district's or charter school's requirements for an attendance bonus to be awarded to Merit Award Bonus recipients; and

(g) Written assurance from the superintendent or chief executive officer of the school that the plan has been negotiated within the provisions of Sections 1012.225 and 447.403, F.S., if applicable, and has been adopted by the district or school.

(3) Reporting formats for district and charter school documentation of compliance. By October 1 of each year, each participating school district and charter school shall submit verification with supporting documentation that the district or charter school implemented its approved plan during the previous year in compliance with Section 1012.225, F.S.

(a) The district will report the amount of each Merit Award Program bonus awarded to each individual in the district through the September Student and Staff Membership Survey (Survey 5):

(b) The district will report the total amount awarded in bonuses, and any remainder that will be remitted to the Department through the regular financial reporting system.

(c) The district will provide to the Commissioner the percentages of its Merit Award Program recipients who received the bonus primarily based on student proficiency, gains in learning, or both.

*Rulemaking Authority 1012.225, 1012.2251 FS. Law Implemented 1012.225 FS. History—New 11-20-07.*



**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.03032, Procedural Safeguards for Children with Disabilities Ages Birth Through Two Years

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32

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02, 1003.01(3), 1003.21, and 1003.57, Florida Statutes

**EXECUTIVE SUMMARY**

The Department of Health, Children’s Medical Services, is the lead agency for early intervention services provided to infants and toddlers with disabilities through Part C of the IDEA. In collaboration with Early Steps, school districts may provide early intervention services for eligible infants and toddlers with disabilities. In the event the school district serves Part C eligible infants and toddlers, the Part C procedural safeguards should be provided to the family. Implementation of the content of the procedural safeguards, such as requirements of notice, consent, explaining the safeguards and family rights, etc., would be a responsibility of the Early Steps service coordinator and would not be an appropriate function of the school district to assume. The Department of Health, Children’s Medical Services, Early Steps has developed current policies and guidance to ensure that infants and toddlers and their families are guaranteed procedural safeguards with respect to the provision of early intervention services. These policies also provide current Early Steps procedures for right to a due process hearing.

The content of Rule 6A-6.03032, F.A.C., is incorporated in the Department of Health, Children’s Medical Services, Early Steps Policy Handbook and Operations Guide and is accessible to all providers of IDEA Part C services on the website at <http://www.cms-kids.com/home/resources/policies.html>. For this reason, the repeal of Rule 6A-6.03032, F.A.C., is proposed.

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**Supporting Documentation Included:** Rule 6A-6.03032, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.03032 Procedural Safeguards for Children with Disabilities Ages Birth Through Two Years.**

*Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(5) FS. Law Implemented 1001.03(8), 1001.42(4)(l), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57.(5), 1011.62(1)(c) FS. History--New 1-4-94, Amended 9-20-04, Repealed.*

**6A-6.03032 Procedural Safeguards for Children with Disabilities Ages Birth Through Two Years.**

Providing parents with information regarding their rights under this rule is critical to ensuring that their specific concerns and the priorities of the family related to enhancing their child's development are addressed. The establishment and maintenance of policies and procedures to ensure that children with disabilities, ages birth through two years, and their parents are provided with procedural safeguards is required in order for school boards to receive state funds for the provision of these services. The school board's policy and procedures for procedural safeguards shall be set forth in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students document and shall include adequate provisions for the following:

(1) Prior notice. Parents shall be provided prior written notice a reasonable time before a school district proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family.

(2) Content of notice. The content of the notice must be in sufficient detail to inform the parents about:

(a) The full explanation of all the procedural safeguards available to the parents as provided in this rule and Section 1003.57(5), F.S.

(b) The description of the action proposed or refused by the district and the reasons for taking the action.

(c) The state complaint procedures, including how to file a complaint with the Department of Health, Children's Medical Services, the lead agency for this program, and the timelines under those procedures.

(3) Native language.

(a) The notice described in subsection (2) of this rule must be:

1. Written in language understandable to the general public.

2. Provided in the native language of the parents, unless it is clearly not feasible to do so.

(b) If the native language or other mode of communication of the parents is not a written language, the school

~~District shall take steps to ensure that:~~

~~1. The notice is translated orally or by other means to the parents in the parents' native language or other mode of communication;~~

~~2. The parents understand the notice; and,~~

~~3. There is written evidence that the requirements of subsection (3) of this rule have been met.~~

~~(c) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille, or oral communication).~~

~~(4) Parent consent.~~

~~(a) Written parental consent must be obtained before:~~

~~1. Conducting the initial evaluation and assessment of a child; and,~~

~~2. Initiating the provision of early intervention services.~~

~~(b) If consent is not given, the school district shall make reasonable efforts to ensure that the parent:~~

~~1. Is fully aware of the nature of the evaluation and assessment or the services that would be available; and,~~

~~2. Understands that the child will not be able to receive the evaluation and assessment or services unless consent is given.~~

~~(5) Examination of records. The procedures described in paragraphs 6A-6.03311(4)(a)-(c), F.A.C., shall be followed.~~

~~(6) Mediation. Parents shall be provided the opportunity to resolve disputes involving their child through mediation in accordance with procedures established by the Department of Health, Children's Medical Services, the lead agency for this program.~~

~~(7) Due process hearings. The procedures described in subsection 6A-6.03311(11), F.A.C., shall be followed with the exception that the school district may not initiate a hearing to challenge the parents' decision regarding the placement or the provision of early intervention services for their child.~~

*Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(5) FS. Law Implemented 1001.03(8), 1001.42(4)(l), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57.(5), 1011.62(1)(c) FS. History--New 1-4-94, Amended 9-20-04*

**STATE BOARD OF EDUCATION**  
**Consent Item**  
December 4, 2015

**SUBJECT:** Approval of Repeal of Rules 6A-6.0523, Comprehensive Dropout Prevention Plans; 6A-6.0526, Substance Abuse Programs; 6A-6.0527, Disciplinary Programs; 6A-6.0528, Youth Services Programs; 6A-6.05291, Course Modification; and 6A-6.05292, Common Objective Criteria and Evaluation of Dropout Prevention Programs.

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33

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

Due to the repeal of Sections 229.053(1) and 230.2316, Florida Statutes, there is no rule making authority for these rules. These rules are to be repealed.

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**Supporting Documentation Included:** Rules 6A-6.0523, 6A-6.0526, 6A-6.0527, 6A-6.0528, 6A-6.05291, and 6A-6.05292, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.0523 Comprehensive Dropout Prevention Plans.**

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95, Repealed*

**6A-6.0523 Comprehensive Dropout Prevention Plans.**

(1) The local school board shall approve the dropout prevention plan and all subsequent amendments prior to reporting students for dropout prevention funding.

(2) Program categories. Each comprehensive plan shall include descriptions of individual dropout prevention programs for the following categories:

- (a) Educational alternative programs.
- (b) Teenage parent programs.
- (c) Substance abuse programs.
- (d) Disciplinary programs.
- (e) Youth services programs.

(3) Individual program plan. For individual programs listed in subsection (2) of this rule reporting dropout prevention full-time equivalent student membership (FTE), the following headings and subheadings shall be included in the comprehensive plan. For teenage parent programs, please refer to Rule 6A-6.0525, F.A.C., for specific requirements for plan format.

- (a) Agency coordination.
- (b) Specific outcome objectives.
- (c) Evaluation.
- (d) Specific student eligibility criteria.
- (e) Student admission procedures.
- (f) Program operating procedures to include:
  - 1. Curriculum;
  - 2. Special strategies;
  - 3. Equal access for eligible exceptional and limited English proficient students;
  - 4. Student services;
  - 5. Grade levels of students served; and,
  - 6. Implementation sites.
- (g) Total dropout prevention FTE student membership projected based on:
  - 1. Number and length of class periods;
  - 2. Average class size;
  - 3. Length of stay; and,
  - 4. Total number of students served.
- (h) Personnel qualifications.
- (i) Staff development activities.

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95.*

**6A-6.0526 Substance Abuse Programs.**

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95, Repealed*

**6A-6.0526 Substance Abuse Programs.**

Substance abuse programs are programs designed to serve students who have a documented substance abuse problem and shall include strong emphasis on appropriate agency coordination as specified in paragraph 6A-6.0521(2)(b), F.A.C. The problem shall be a documented substance abuse of either the student, parent, or an immediate family member who is or was living in the same household. Such problems shall be documented in agency or school records.

(1) Voluntary or assigned participation. Participation in a substance abuse program is assigned but may be voluntary. Assigned participation means that the placement is required by the school district, courts, or other agencies. Voluntary participation means that the student is not assigned to the program without parental or adult student permission.

(2) Criteria for eligibility.

(a) Student has documented drug-related or alcohol-related problem; or

(b) Student has immediate family members who have documented drug-related or alcohol-related problems that adversely affect student's performance in school.

(3) Instructional periods. The instructional program shall be provided to participants a minimum of five (5) hours per day and may be offered on a variable schedule as needed to deliver the curriculum. The program shall include instruction designed to deter substance abuse.

(4) Service delivery models. Substance abuse programs may be offered in a nonschool-based residential or day substance abuse treatment program facility, alternative sites, regular school campuses, or in any location approved by the district school board as a school center.

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95.*



**6A-6.0527 Disciplinary Programs.**

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95, Repealed*

**6A-6.0527 Disciplinary Programs.**

Disciplinary programs are programs that are longer than ten (10) days in duration and are designed to serve students who are disruptive in the traditional school environment. However, in-school suspension programs may be less than ten (10) days in duration as specified in Sections 230.2316(4)(c)3. and 5., F.S. These programs must place strong emphasis on appropriate agency coordination as specified in paragraph 6A-6.0521(2)(b), F.A.C.

(1) Voluntary or assigned participation. Participation in a disciplinary program is assigned but may be voluntary. Assigned participation means that the placement is required by the school district, courts, or other agencies. Voluntary participation means that the student is not assigned to the program without parental or adult student permission.

(2) Criteria for eligibility.

(a) Student has a history of disruptive behavior which interferes with his own or others' educational program(s) or results in frequent conflicts of a disruptive nature in or out of the classroom while the student is under the jurisdiction of the school;

(b) Student severely threatens the general welfare of others;

(c) Student requires assistance in behavior modification beyond that which can be provided in the traditional class; or

(d) Student has committed an offense which would warrant out-of-school suspension or expulsion.

(3) Instructional periods. The instructional program shall consist of instruction and counseling to participants full-time, part-time or on a variable schedule as needed to deliver the curriculum. Whether the program is full-time or part-time, all students should receive a minimum of five hours of instruction per day.

(4) Service delivery model. Disciplinary programs may be offered in in-school suspension, alternative sites, regular school campuses, or in any location approved by the district school board as a school center. The program may be planned and operated in collaboration with local law enforcement or other community agencies. If an in-school suspension model is used, the program is subject to all requirements specified in Sections 230.2316(4)(c)3. and 5., F.S. Prior to assigning the student to a disciplinary program, the district shall attempt a variety of educational and student services unless the student has committed an offense which would warrant expulsion.

(5) Evaluation. The district shall determine procedures for evaluating students who are returning from detention or court adjudicated placement prior to assigning them to a disciplinary program.

(6) Where the student in the program is a volunteer, the notice of requirements in subsections (7) and (8) of this rule does not apply.

(7) Referral for evaluation of eligibility for exceptional student education. Any student assigned to an alternative education program for disruptive students which is designed to return the student to the conventional educational program shall be referred for an evaluation of eligibility for exceptional student educational services if not returned to the regular program after a specified period of time. Students identified as disruptive according to Rule 6A-6.0524, F.A.C., shall be referred after a total of ninety (90) days of participation in an alternative education program. Participation applicable to this provision must occur within any two (2) consecutive school semesters. These provisions shall not apply to students in other eligibility categories or to students in programs designed to offer a comprehensive multiyear alternative to conventional public schools and for which student participation is entirely optional.

(8) Notification of parents. Upon the first placement in any school year of a student into any alternative education program for disruptive students, the district shall give the student's parents written notification of their right to request an evaluation to determine eligibility for exceptional student education.

(9) School annual report. In each school which has implemented a dropout prevention in-school suspension program, the school principal shall prepare an annual report provided to all members of the school advisory council which delineates:

- (a) Number of students in-school suspended;
- (b) Number of students out-of-school suspended;
- (c) Proportion of populations represented in in-school and out-of-school suspension groups; and,
- (d) Quantification of the various bases for suspension.

(10) Program maintenance. Each district shall establish a process for determining in-school suspension program's effect on rate of expulsion and out-of-school suspension. After providing assistance, the district shall disapprove any school based in-school suspension programs that continually fail to directly reduce the school's expulsion or out-of-school suspension rate.

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History—New 10-30-90, Amended 1-2-95.*

**6A-6.0528 Youth Services Programs.**

*Rulemaking Authority 229.053(1), 230.2316(17) FS. Law Implemented 230.2316 FS. History—New 10-30-90, Amended 1-2-95, Repealed*

**6A-6.0528 Youth Services Programs.**

Youth services programs are programs designed to serve students who are assigned to a detention, commitment or rehabilitation program operated by a state or community-based agency or through the Department of Health and Rehabilitative Services or the Department of Juvenile Justice. These programs must place strong emphasis on appropriate agency coordination as specified in paragraph 6A-6.0521(2)(b), F.A.C.

(1) Voluntary or assigned participation. Participation in a youth services program is assigned. Assigned participation means that the placement is required by the school district, courts or other agencies pursuant to Chapter 39, Laws of Florida.

(2) Criteria for eligibility

(a) Student is neglected, delinquent or dependent; or

(b) Student is assigned by the court to a detention, commitment or rehabilitation program. Commitment means any facility where the courts have adjudicated youths.

(3) Instructional periods. The instructional program shall be provided a minimum of five (5) hours per day and shall consist of intensive counseling, conflict resolution training, behavior modification, therapy, appropriate academic, vocational or exceptional curricula and related services under the supervision of a qualified teacher as specified in Rule 6A-1.0501, F.A.C. These educational services may be delivered at times of the day most appropriate for a youth services program. However, youth services programs of less than forty (40) days duration which take place in a park or wilderness setting may be limited to tutorial and vocational employability activities. The instructional program shall provide the opportunity for attainment of a high school diploma and support rehabilitation goals.

(4) Service delivery model. Programs may be offered in residential or nonresidential detention facilities, community-based agency facilities, facilities operated or contracted by the Department of Juvenile Justice or Department of Health and Rehabilitative Services, or commitment settings such as county, state or federal correctional institutions.

(5) School entry. Districts are encouraged to implement transition support systems to assist students returning to school from youth services programs.

(6) Cooperative agreements. To receive funding through the Florida Education Finance Program for the operation of youth services programs, school districts shall submit to the Department evidence of cooperative agreements with the Secretary of Juvenile Justice or the Secretary's designee for delinquent programs and Secretary of Health and Rehabilitative Services or the Secretary's designee for other programs. The cooperative agreement shall address, at a minimum, the following subjects: purpose, enabling legislation, definitions, inter/intra agency linkages, roles and responsibilities, administration, allocation of resources, interagency disputes, assessment, curriculum, instruction, planning, classroom management, attendance, certification, licensure, staff development, and transition.

*Rulemaking Authority 229.053(1), 230.2316(17) FS. Law Implemented 230.2316 FS. History—New 10-30-90, Amended 1-2-95.*

**6A-6.05291 Course Modification.**

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95, Repealed*

**6A-6.05291 Course Modification.**

~~(1) Districts implementing approved comprehensive dropout prevention plans may make modification to courses listed in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C. Modifications in courses may take one or more of the following forms:~~

~~(a) The amount of in-class instruction required for a student to earn a credit may be lengthened or shortened. Less than one hundred fifty (150) hours may be offered for a particular course if it is determined that the essential content can be learned in a shorter period of time pursuant to the requirements of Section 232.2462, F.S. Students may be allowed to spend more than one hundred fifty (150) hours in a course if it is determined that additional time is needed. Instructional time must be sufficient to allow students to master curriculum frameworks and district adopted performance standards.~~

~~(b) Alternative methods for assessing student mastery of performance standards may be utilized in dropout prevention programs.~~

~~(c) Interdisciplinary units of study may be developed by combining two (2) or more courses of study.~~

~~(2) Course modification proposals must be approved by the Commissioner prior to implementation of the modification. These modifications shall be approved for programs that generate dropout prevention full-time equivalent student membership only.~~

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95.*

**6A-6.05292 Common Objective Criteria and Evaluation of Dropout Prevention Programs.**

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95, Repealed*

**6A-6.05292 Common Objective Criteria and Evaluation of Dropout Prevention Programs.**

(1) Common objective criteria. The following are the required objective criteria for the specific outcome objectives developed by the districts. Districts may include additional objectives.

(a) Educational alternatives.

1. Staying in school or earning a high school diploma.
2. Academic improvement.
3. Improved attendance.
4. Promotion.

(b) Teenage parent.

1. Staying in school or earning a high school diploma.
2. Continuation of academic program during placement in the teenage parent program.
3. Improved parenting skills.
4. Reduced repeat pregnancies.
5. Improved numbers of babies with birth weights at or above 5.5 pounds.

(c) Substance abuse.

1. Staying in school or earning a high school diploma.
2. Increased awareness of the hazards of substance abuse.
3. Continuation of academic program during placement in substance abuse program.
4. Decreased substance abuse.

(d) Disciplinary.

1. Staying in school or earning a high school diploma.
2. Decreased number of expulsions.
3. Decreased number of suspensions.
4. Decreased number of referrals.
5. Continuation of academic program during placement in disciplinary program.

(e) Youth services.

1. Academic assessment.
2. Provision of appropriate educational services.

(2) Dropout prevention plan evaluation. Each district receiving state funding for dropout prevention programs through the Florida Education Finance Program shall submit an annual report and any interim reports required by the Legislature to the Department documenting the extent to which each of the individual dropout prevention programs has met the objectives established by the district. The district shall submit this evaluation as directed by the Department. Student outcomes shall be determined by comparing gains between preprogram baseline data and postprogram data. The data submitted in the annual report shall be collected by race, ethnicity and gender and include, but not be limited to performance data/student outcomes based on the state's minimum objective criteria.

*Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History--New 10-30-90, Amended 1-2-95.*

**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.0713, Habitual Truancy: Inter-Agency Agreements

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

The content of Rule 6A-6.0713, F.A.C., is found in Section 1003.27(4), F.S. This rule is proposed for repeal as it repeats Florida Statutes.

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**Supporting Documentation Included:** Rule 6A-6.0713, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.0713 Habitual Truancy: Inter-Agency Agreements.**

*Rulemaking Authority 1001.02 FS., Section 18, Chapter 84-311, Laws of Florida. Law Implemented 39.01(33), 39.403, 1003.27 FS. History—New 1-9-85, Formerly 6A-6.713, Repealed*

**6A-6.0713 Habitual Truancy: Inter-Agency Agreements.**

~~(1) Each district school board and the district office of the Department of Children and Family Services shall develop a written agreement to include procedures to be followed by each of these agencies prior to filing with the circuit court a petition for dependency due to habitual truancy.~~

~~(2) The procedures shall include at least the following: All requirements of Section 1003.27, F.S., identification of responsibilities for each agency, timeline for completing assigned responsibilities, and provisions for an annual review and necessary revisions of the procedures.~~

~~(3) The written agreement shall be approved by the local district administrator of the Department of Children and Family Services or designee and the district school superintendent.~~

*Rulemaking Authority 1001.02 FS., Section 18, Chapter 84-311, Laws of Florida. Law Implemented 39.01(33), 39.403, 1003.27 FS. History—New 1-9-85, Formerly 6A-6.713.*





**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-6.0900, Programs for English Language Learners (ELLs)

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

Rule 6A-6.0900, F.A.C., lists English for Speakers of Other Languages (ESOL) related rules with no informative value. All requirements referenced in Rule 6A-6.0900, F.A.C., appear in Florida Statutes, or other rules, with detailed information and guidance, making rule 6A-6.0900, F.A.C., unnecessary.

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**Supporting Documentation Included:** Rule 6A-6.0900, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools



**6A-6.0900 Programs for English Language Learners (ELLs).**

*Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History–New 10-30-90, Amended 5-5-09, 12-23-14, Repealed.*

**6A-6.0900 Programs for English Language Learners.**

(1) The education of English Language Learners is tailored to the student needs through design, scheduling, instructional strategies, philosophy, or learning activities; by the identification, assessment, and the classification process. Programs for English Language Learners shall utilize either English for Speakers of Other Languages (ESOL) or home language instructional strategies in approach; provide courses leading to English language proficiency; ensure the student’s identification and assessment, classification and reclassification; ensure access to appropriate ESOL/Home language instruction and to categorical programs and services; ensure qualified instructional personnel and monitoring for program compliance, equal access, and program effectiveness.

(2) The education and related services as described above shall be provided in accordance with the rules listed below:

- (a) Rule 6A-6.0901, F.A.C., Definitions Which Apply to Programs for English Language Learners.
- (b) Rule 6A-6.0902, F.A.C., Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners.
- (c) Rule 6A-6.09021, F.A.C., Annual English Language Proficiency Assessment for English Language Learners (ELLs).
- (d) Rule 6A-6.09022, F.A.C., Extension of Services in English for Speakers of Other Languages (ESOL) Program.
- (e) Rule 6A-6.0903, F.A.C., Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program.
- (f) Rule 6A-6.09031, F.A.C., Post Reclassification of English Language Learners (ELLs).
- (g) Rule 6A-6.0904, F.A.C., Equal Access to Appropriate Instruction for English Language Learners.
- (h) Rule 6A-6.0905, F.A.C., Requirements for the District English Language Learners Plan.
- (i) Rule 6A-6.0906, F.A.C., Monitoring of Programs for English Language Learners.
- (j) Rule 6A-6.0907, F.A.C., Inservice Requirements for Personnel of English Language Learners.
- (k) Rule 6A-6.0908, F.A.C., Equal Access for English Language Learners to Programs Other Than English for Speakers of Other Languages (ESOL).
- (l) Rule 6A-6.0909, F.A.C., Exemptions Provided to English Language Learners.
- (m) Rule 6A-6.09091, F.A.C., Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners.
- (n) Rule 6A-4.0245, F.A.C., Specialization Requirements for Certification in English for Speakers of Other Languages (Grades K-12) – Academic Class.
- (o) Rule 6A-4.02451, F.A.C., Performance Standards, Skills, and Competencies for the Endorsement in English for Speakers of Other Languages.
- (p) Rule 6A-1.0503, F.A.C., Definition of Qualified Instructional Personnel.
- (q) Rule 6A-4.0244, F.A.C., Specialization Requirements for the Endorsement in English to Speakers of Other Languages – Academic Class.
- (r) Rule 6A-1.09441, F.A.C., Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.
- (s) Rule 6A-1.09432, F.A.C., Assessment of English Language Learners.

*Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History–New 10-30-90, Amended 5-5-09, 12-23-14.*



**STATE BOARD OF EDUCATION**

**Consent Item**

December 4, 2015

**SUBJECT:** Approval of Repeal of Rule 6A-7.096, Educational Improvement Projects

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.02, Florida Statutes

**EXECUTIVE SUMMARY**

Rulemaking Authority (Section 229.59, Florida Statutes) no longer exists to support this rule and therefore it needs to be repealed. The rule addressed the awarding of funds by the Commissioner of Education for educational improvement projects submitted by districts and/or schools.

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**Supporting Documentation Included:** Rule 6A-7.096, F.A.C.

**Facilitator:** Mary Jane Tappen, Executive Vice-Chancellor, K-12 Public Schools



**6A-7.096 Educational Improvement Projects.**

*Rulemaking Authority 120.53(1)(b), 229.053(1), 229.59(1) FS. Law Implemented 229.59 FS. History--New 10-30-78, Amended 11-18-84, Formerly 6A-7.96, Repealed*

**6A-7.096 Educational Improvement Projects.**

The following provisions are established for administering educational improvement grants as provided in Section 229.59, F.S.

(1) Educational improvement proposals may be submitted from a school district, two (2) or more school districts, an individual school, or two (2) or more schools. Each proposal shall be submitted to the Department through a district school board.

(2) Project proposals to be considered for funding shall be developed with the assistance of a district or school advisory committee and shall address one (1) or more of the following:

- (a) School management improvement,
- (b) District or school advisory committee improvement,
- (c) School volunteers, and

(d) Any other educational area which would be improved through a closer relationship between school and community.

(3) Priority shall be given to proposals which best demonstrate the following:

- (a) Evidence of need,
- (b) Potential for improvement,
- (c) Appropriateness of project emphasis,
- (d) Adequacy of project evaluation,
- (e) Involvement of community in project, and
- (f) Utilization of existing resources.

(4) Each project and each amendment to an approved project funded under Section 229.59, F.S., shall be approved by the Commissioner. The Commissioner shall appoint a committee, with membership including appropriate citizens, to assist in the review and evaluation of proposals to be approved for funding. The Commissioner or a designee may negotiate with the proposal sponsor on the amount of funding required and on the content of any proposed project to better meet the requirements and intent of the law.

(5) The district's approved fiscal control and accounting procedures shall apply to all funds received and expended. Eligible expenditures from projects shall be limited to direct operating expenses for activities directly related to the objectives of the projects and may include salaries and benefits for those employees who render service beyond their normal contract period. Such salaries and benefits shall not exceed fifty (50) percent of the total funds approved for any one project or one thousand five hundred (1,500) dollars per project, whichever is less.

(6) Each project funded shall contain provisions for the submission of an evaluation upon completion of the project.

(7) Forms and instructions necessary to carry out this program are as follows: Form ESE 022, Educational Improvement Project Statement of Intent; ESE Form 023, FY – Proposal for Educational Improvement Projects; and Form ESE 024, FY – Educational Improvement Projects Final Evaluation Report. These forms and instructions are incorporated by reference into this rule. Copies of these forms and instructions may be obtained from the Administrator, Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

*Rulemaking Authority 120.53(1)(b), 229.053(1), 229.59(1) FS. Law Implemented 229.59 FS. History--New 10-30-78, Amended 11-18-84, Formerly 6A-7.96.*

