



HB 7029 School Choice
(CH. 2016-237, Laws of Florida)

Bill Sponsor: Choice and Innovation Subcommittee

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Executive Summary:

The bill amends numerous provisions of the education statutes relating to K-12 education policy and funding, postsecondary education funding, school choice and school construction.

Charter Schools:

- Provides for automatic termination of charter school that receives two consecutive grades of "F".
- Allows charter schools to provide enrollment preference for students attending failing school.
- Revises charter school capital outlay allocation:
 - Provides weighted funding for schools that meet one or both of the following criteria:
 - 75 percent or more of school's students eligible for FRL
 - 25 percent or more of school's students are students with disabilities

K-12 Public Schools:

- Provides that parents of public school students have the right to a school financial report that indicates the average amount of money expended per student in the school.
- Requires that, beginning in 2017-18, each district and charter school must adopt a controlled open enrollment plan that allows a student to enroll in any public school in the state that has not reached capacity (subject to maximum class-size requirements).
- Allows additional options to meet the online course requirement for high school graduation.
- Requires each school district to add four special consideration points to the matrix of services for students who are deaf and enrolled in an auditory-oral education program beginning in the 2017-18 school year.
- Requires each school district to establish a transfer process for a parent to request that his or her child be transferred to another classroom teacher.
- Allows district school boards to reemploy retirees who successfully complete the probationary contract under an annual contract as defined in s. 1012.335(1), F.S.



- Adds Advanced Placement (AP) and College Level Examination Program (CLEP) exams as options for students to pass and earn course credit instead of being enrolled in or completing the corresponding course.
- Provides that a student be immediately eligible to participate in high school athletic competitions in the school he/she first enrolls each school year.
- Requires the Florida High School Athletic Association (FHSA) to allow a private school the option of full membership in the association or to join by individual sport. A public school may be allowed the option to apply for consideration to join another athletic association.
- Prohibits the Office of Early Learning from adopting a kindergarten readiness rate for the 2014-15 and 2015-16 Voluntary Prekindergarten Education Program years.
- Requires FDOE, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, to develop a list of approved youth suicide awareness and prevention training materials for grades K-12 instructional personnel.
- Requires that students must be informed of their right to not participate in the reciting of the pledge of allegiance by written notice in the student handbook or a similar publication.
- Establishes Gold Seal of Biliteracy (highest level of competency) or a Silver Seal of Biliteracy (second-highest level of competency).
- Creates a new subsection of s. 617, F.S., the Florida Not For Profit Corporation Act, to define membership associations and restrictions on dues paid with public funds to a membership association.
- Revises school district efforts and participation requirements pertaining to projects funded through the Special Facilities Construction Account. Revises provisions for special facilities construction projects to align with OPPAGA recommendations, to modify application submission and review deadlines, and to give districts flexibility in meeting participation requirements.
- Revises provisions related to limits on student station construction cost; requires EDR to study cost effectiveness and report to the governor and legislature by January 31, 2017; requires Auditor General to verify school district compliance with construction cost limits; mandates three-year sanctions for noncompliance; and sets cost thresholds for all capital outlay funds, including local funds.
- Requires OPPAGA to study the State Requirements for Education Facilities (SREF) to identify requirements that can be eliminated or modified to decrease construction costs while ensuring student safety and to report findings to the governor and legislature by January 31, 2017.
- Allows four limited exceptions to SREF, if authorized by supermajority vote of district school board following a public hearing and cost-benefit analysis.
- Changes the name of the Florida National Merit Scholar Incentive Program to the Benacquisto Scholarship Program and encourages public and private institutions, but requires eligible state universities, to become sponsors of the National Merit Scholarship Program.
- Revises provisions relating to charter schools, virtual education and the Florida Education Finance Program (FEFP).



Florida College System:

- Establishes in law, rather than proviso or the implementing bill, the Performance-Based Incentive for the Florida College System.
- Creates the Distinguished Florida College System Program. This program is a collaborative partnership between the State Board of Education and the Legislature to recognize the excellence of Florida's highest-performing Florida College system institutions.

Section 1.

Creates s. 617.221, F.S., Membership associations; reporting requirements; restriction on use of funds, to:

- Define "membership association."
- Allow public funds to be used to pay membership association dues for an elected or appointed public officer, unless the officer opts not to join the membership association.

Section 2.

Amends s. 1001.42, F.S., Powers and duties of district school board, to:

- Allow district school board members to visit schools to observe the management and instruction, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school.

Section 3.

Creates s. 1001.67, F.S., Distinguished Florida College System Program, to:

- Establish a collaborative partnership between the State Board of Education and the Legislature to recognize the excellence of Florida's highest-performing Florida College System institutions.
- Require the State Board of Education to designate each Florida College System institution that meets five of the seven standards identified below as a distinguished college. The following excellence standards are established for the program:
 - A 150 percent-of-normal-time completion rate of 50 percent or higher.
 - A 150 percent-of-normal-time completion rate for Pell Grant recipients of 40 percent or higher.
 - A retention rate of 70 percent or higher.
 - A continuing education, or transfer, rate of 72 percent or higher for students graduating with an associate of arts degree.
 - A licensure passage rate on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) of 90 percent or higher for first-time exam takers.



- A job placement or continuing education rate of 88 percent or higher for workforce programs.
- A time-to-degree for students graduating with an associate of arts degree of 2.25 years or less for first-time-in-college students with accelerated college credits.
- Provide that a Florida College System institution designated as a distinguished college by the State Board of Education is eligible for a share of \$2 million, as specified in the General Appropriations Act.

Section 4.

Amends s. 1002.20., F.S., K-12 student and parent rights, to:

- Add CAPE digital tools, CAPE industry certifications and collegiate high school programs to the list of public educational choice options available to students.
- Add the Florida Personal Learning Scholarship Account (Gardiner) program to the list of private educational choice options available to students.
- Provide that parents have the right to an easy-to-read financial report that indicates the average amount of money expended per student in their school.
- Provide that a student is immediately eligible to participate in high school athletic competitions in the school in which the student first enrolls each school year.

Section 5.

Amends s. 1002.31., F.S., Controlled open enrollment; public school parental choice, to:

- Provide that, beginning in the 2017-18 school year, each district school board and charter school must adopt a controlled open enrollment plan that allows a parent from any school district in the state whose child is not subject to a current expulsion order to enroll his or her child in and transport his or her child to any public school that has not reached capacity, subject to the maximum class size requirements.
- Provide that district and charter school capacity determinations must be current and must be identified on their respective websites.
- Provide that districts must incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35, F.S., into their capacity determinations.
- Require districts to provide preferential treatment in their controlled open enrollment processes to:
 - Dependent children of active duty military personnel whose move resulted from military orders;



- Children who have been relocated due to a foster care placement in a different school zone;
 - Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent; and
 - Students who reside in the district.
- Provide that a charter school may provide preferential treatment in its controlled open enrollment participation process to the enrollment limitations set forth in s. 1002.33(10), F.S., if such purposes are identified in the charter agreement.
 - Require each charter school to annually post on its website the application process to participate in controlled open enrollment.
 - Provide that students residing in the district may not be displaced by a student from another district seeking enrollment.
 - Prohibit a district or charter school from delaying eligibility or otherwise preventing a student participating in open enrollment from being immediately eligible to participate in interscholastic and intrascholastic extracurricular activities.
 - Prohibit a student from participating in a sport if the student participated in the same sport at another school during the same year, unless the student meets certain criteria.

Section 6.

Amends s. 1002.53, F.S., Voluntary Prekindergarten Education program; eligibility and enrollment, to:

- Allow parents whose children are born from February 2 through September 1 of a calendar year the option of enrolling their child in a Voluntary Prekindergarten (VPK) Education Program in the school year in which the child becomes eligible, or deferring enrollment until the following school year.

Section 7.

Amends s. 1002.33, F.S., Charter schools, to:

- Require charter applicants to include a list of currently or previously operated charter schools to include academic and financial data for each school.
- Allow an approved charter applicant to defer the opening of the school for up to two years to provide adequate facility planning. The school must provide written notice of such intent to the sponsor and parents at least 30 calendar days before the first day of school.
- Prohibit a charter school from basing admission or dismissal decisions on a student's academic performance.



- Require charter schools to begin submitting monthly financial statements to the district upon the execution of the charter contract and require the district to review the financial statements.
- Provide for the automatic termination of a charter school contract if the school receives two consecutive grades of "F", unless the school meets one of three exceptions in law.
- Allow a charter school to provide enrollment preferences for students currently attending or assigned to a failing school.
- Provide that charter schools are eligible to receive the research-based reading allocation.
- Provide that districts shall distribute FEFP payments monthly or twice a month beginning with the districts' fiscal year. Each payment shall be 1/12 or 1/24 of the total state and local funds.
- Provide that, for the first two years of operation, the initial (July through October) FEFP payments to a charter school shall be based upon the school's projected enrollment unless the actual enrollment is less than 75 percent of the projected enrollment. If the actual enrollment is less than 75 percent of the projected enrollment, the payments shall be based upon the actual enrollment.
- Prohibit a district from delaying payments to a charter school based on the timing or receipt of local funds.

Section 8.

Amends s.1002.331, F.S., High-performing charter schools, to:

- Delete conflicting language and clarify that the Commissioner of Education shall declassify a high-performing charter school if it fails to meet the eligibility criteria set forth in law.

Section 9.

Creates s. 1001.66, F.S., Florida College System Performance-Based Incentive, to:

- Award a Florida College System Performance-Based Incentive to Florida College System institutions using performance-based metrics adopted by the State Board of Education (SBE).
- Require that the performance-based metrics must include:
 - Retention rates.
 - Program completion and graduation rates.
 - Postgraduation employment, salaries, and continuing education for workforce education and baccalaureate programs, with wage thresholds that reflect the added value of the certificate or degree.
 - Outcome measures appropriate for associate of arts degree recipients.
- Require the SBE to adopt benchmarks to evaluate each institution's performance on the metrics and determine whether each institution has achieved excellence or needs improvement.



- Require the SBE to establish minimum requirements to receive performance funding.
- Require colleges identified as needing an improvement plan to be monitored and to submit reports by December 31 and May 31 each year. Beginning 2017-18, ability to submit improvement plan is limited to one fiscal year.
- State that the amount of funding from the state and the institution's base funding will be according to General Appropriations Act.
- Require the SBE, by October 1, to report to Governor, Speaker and President on prior fiscal year allocations, which must reflect rankings and award distributions.
- Require the SBE to adopt rules to administer the program.

Section 13.

Amends s. 1003.4282, F.S., Requirements for a standard high school diploma, to:

- Clarify language that an online course taken in grade 6, grade 7 or grade 8 fulfills the requirements of this subsection.
- Add that a district school board or a charter school governing board may offer students the following options to satisfy the online course requirements of this subsection:
 - Completion of a course in which a student earns a nationally recognized industry certification in information technology that is identified on the Career and Professional Education Act (CAPE) Industry Certification Funding List pursuant to s. 1008.44, F.S., or passage of the information technology certification examination without enrollment in or completion of the corresponding courses, as applicable.
 - Passage of an online content assessment, without enrollment of the corresponding course or courses, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes.
- Add language that, for purposes of this subsection, a school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester.

Section 14.

Amends s. 1013.62., F.S., Charter schools capital outlay funding to:

- Require a charter school to be in operation for two years, instead of three, to receive charter school capital outlay funding, so long as the school meets the remaining eligibility criteria.
- Prohibit a charter school from receiving charter school capital outlay funding if the school's most recent audit reveals any of the financial emergency conditions identified in s. 218.503(1), F.S.



- Delete the prioritization schedule that maintained capital outlay funding levels for those charter schools that received capital outlay in the 2005-06 school year.
- Allocate charter school capital outlay funds on a weighted basis to charter schools that have a student population of which 75 percent or more of the students are eligible for free or reduced-price school lunch, or 25 percent or more are students with disabilities.
 - Schools that do not have 75 percent or more of their students eligible for free or reduced-price lunch, or 25 percent or more students with disabilities, will be funded on a per FTE basis.
 - Schools that have either 75 percent or more of their students eligible for free or reduced-price lunch, **or** 25 percent or more students with disabilities, will receive an additional 25 percent above the base amount, with their FTE multiplied by 1.25.
 - Schools that have 75 percent or more of their students eligible for free or reduced-price lunch, **and** 25 percent or more students with disabilities, will receive an additional 50 percent above the base amount, with their FTE multiplied by 1.50.

Section 15.

Amends s. 1013.64, F.S, Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects, to:

- Modify statutory authorities and requirements related to the Special Facility Construction Account, and to revise provisions related to limits on student station construction costs, including requiring reports to the governor and legislative leadership on studies of the cost-per-student-station construction amounts and the *State Requirements for Educational Facilities* by January 31, 2017. More specifically, the bill does the following:
- Special Facility Construction Account, s. 1013.64(2), F.S.
 - Revises eligibility requirements, including requirements for the educational plant survey, student enrollment projections and a participating school district's financial participation;
 - Requires that, beginning in the 2019-20 fiscal year, a district seeking a project must have levied the maximum discretionary capital improvement millage against its nonexempt assessed property value or an equivalent amount of revenue from the school capital outlay sales surtax for a minimum of three years prior to application and continuing until the district's participation requirement is met;
 - Provides that, if a district employs a consultant in the preparation of a survey or survey amendment, the consultant may not be employed by, or receive compensation from, a third party that designs or constructs a project recommended by the survey; and
 - Modifies provisions for application submission and review (including adding a February 1 application deadline and June 1 Phase III construction plan submission deadline) if a



school district seeks inclusion of the project in the department's next capital outlay budget request, extends the preapplication review period to 90 days and provides for an FDOE representative to chair the committee.

- Cost of Construction, s. 1013.64(6), F.S.
 - Requires a school district to maintain accurate documentation related to the costs of all new construction reported to the department, the Auditor General to review the documentation to verify compliance with construction cost limits as part of operational audits, and the department to make a final determination of compliance based on the Auditor General's recommendation;
 - Requires the Office of Economic and Demographic Research, in consultation with the department and industry experts, to study student station construction costs using current data for classrooms, core facilities and specialty spaces, and report to the governor and legislative leadership by January 31, 2017;
 - Requires the Office of Program Policy Analysis and Government Accountability, in consultation with the department, to review State Requirements for Educational Facilities (SREF) to identify modifications to reduce costs while ensuring student safety in a report to the governor and legislative leadership by January 31, 2017;
 - Provides that, beginning July 1, 2017, the cost of construction limits must be applied to all projects from all capital outlay funding sources, and provides for the following sanctions to be enforced in the ensuing three-year period if the Auditor General determines a district has exceeded the limits:
 - Loss of eligibility for Public Education Capital Outlay allocations; and
 - Supervision by a district capital outlay oversight committee comprising appointees of the Commissioner of Education, the office of the state attorney with jurisdiction, and the Chief Financial Officer, none of whom may be a school district employee or relative, or an elected official;
 - Requires the department to provide cost-of-construction reports to the Auditor General for verification; and
 - Removes the requirement that the department annually report, by December 31, a summary of each school district's spending in excess of the maximum cost per student station to the governor and legislative leadership.

Section 16.

Amend s. 1002.37, F.S., The Florida Virtual School, to:



- Remove the duplicate definition of a “full-time equivalent student.”

Section 17.

Amends s. 1002.391, F.S., Auditory-oral education programs, to:

- Require each school district to add four special consideration points to the matrix of services for students who are deaf and enrolled in an auditory-oral education program beginning in the 2017-18 school year.

Section 18.

Amends s. 1002.45, F.S., Virtual Instruction Programs, to:

- Revise the designation of a school improvement rating of “Declining” to “Unsatisfactory” to conform to s. 1008.341, F.S., School Improvement Rating for Alternative Schools.

Section 19.

Creates s. 1003.3101, F.S., Additional educational choice options, to:

- Require each school district board to establish a transfer process for a parent to request his or her child be transferred to another classroom teacher.
- Add that this section does not give a parent the right to choose a specific classroom teacher.
- Require that a school must approve or deny the transfer within two weeks after receiving a request.
- Add that, if a request is denied, the school must notify the parent and specify the reasons for the denial.
- Require that an explanation of the transfer process must be made available in the student handbook or similar publication.

Section 20.

Amends s. 1003.4295, F.S., Acceleration options, to:

- Delete references to specific subjects that require statewide, standardized end-of-course (EOC) assessments with regard to the credit acceleration program (Algebra I, Algebra II, geometry, United States history, and biology).
- Add that for purposes of the credit acceleration program, a student is allowed to earn high school credit in courses required for high school graduation through the passage of an EOC assessment administered under s. 1008.22, F.S., an Advanced Placement (AP) examination or a College Level Examination Program (CLEP).
- Include that, if a student attains a passing score on a statewide, standardized EOC assessment, AP Examination or CLEP examination, then a school district is required to award course credit to the student (who is not enrolled in the course or who has not completed the course).



- Clarify that a school district shall permit a public school or home education student who is not enrolled in the course or who has not completed the course to take the assessment or examination during the regular administration of the assessment or examination.

Section 21.

Amends s. 1004.935, F.S., Adults with Disabilities Workforce Education, to:

- Establish the Adults with Disabilities Workforce Education program as a permanent program.

Section 22.

Amends s. 1006.15, F.S., Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation, to:

- Define the term “eligible to participate” to include, but not be limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice or contests.
- Allow a transfer student to be eligible to join an existing interscholastic or intrascholastic team immediately if all other eligibility criteria are met. A student is not allowed to participate in the same sport at another school during that school year unless specific criteria are met.

Section 23.

Creates s. 1006.195, F.S., District school board, charter school authority and responsibility to establish student eligibility regarding participation in interscholastic and intrascholastic extracurricular activities, to:

- Specify requirements for district school board and charter school authority codes of conduct detailing student eligibility criteria and related student disciplinary actions regarding participation in interscholastic and intrascholastic extracurricular activities.
- Designate the Florida High School Athletic Association (FHSAA) to continue jurisdiction over specific provisions in s. 1006.20, F.S., to include membership in FHSAA, recruiting prohibitions and violations, student medical evaluations, investigations, sanctions for coaches, school eligibility and forfeiture of contests, student concussions or head injuries, sports medical advisory council and the general operational provisions of the organization.

Section 24.

Amends s. 1006.20, F.S., Athletics in public K-12 schools, to:

- Require FHSAA to allow a private school the option of full membership in the association or to join by individual sport. A public school may be allowed the option to apply for consideration to join another athletic association.



- Require FHSAA bylaws governing residence and transfer to allow a student to be eligible immediately at the school he or she first enrolls in each school year. In addition, a transfer student is eligible immediately to join an existing team if all other eligibility criteria are met.
- Include escalating penalties for recruitment violations by a school district employee or contractor that are in violation of FHSAA bylaws. A student's eligibility to participate in athletics may not be affected by alleged recruiting violations until final disposition of the allegation.
- Create a point of entry into the FDOE disciplinary review process for certified educators for third-time offenders of FHSAA recruiting violations.
- Require the Commissioner of Education to file a formal complaint upon a finding of probable cause.
- Require the educator's certificate be revoked for three years if the complaint is upheld. Require FDOE to revoke adjunct certificates issued pursuant to s. 1012.57, F.S., and all permissions under ss. 1012.39 and 1012.43, F.S., for third-time teacher recruiting violations.
- Establish forfeiture of all competitions and honors received by a school, team or activity if any student who participated was recruited in violation of FHSAA bylaws or state law.

Section 25.

Amends s. 1007.35, F.S., Florida Partnership for Minority and Underrepresented Student Achievement, to:

- Conform all references to the former Preliminary ACT (PLAN) to its new replacement assessment, "ACT Aspire."

Section 26.

Amends s. 1009.893, F.S., Florida National Merit Scholarship Incentive Program and s. 1009.40, F.S., General Requirements for student eligibility for state financial aid awards and tuition assistance grants, to:

- Change the name of the Florida National Merit Scholar Incentive Program to the Benacquisto Scholarship Program.
- Refer to a student who receives an award under the Benacquisto Scholarship as a "Benacquisto Scholar."
- Encourage Florida public or independent postsecondary institutions and require eligible state universities to become college sponsors of the National Merit Scholarship Program.

Section 27.

Amends s. 1011.61, F.S., Definitions, to:

- Delete the provision for double-session schools and schools using an experimental calendar to operate for less than 900 hours for grades 4 through 12, and 720 hours for kindergarten through grade 3.
- Provide proportional FTE for a school that operates for less than the minimum term.



- Delete the provisions requiring an FTE adjustment when a student does not pass an end-of-course exam required to earn a high school diploma. The FTE adjustment was scheduled to begin in the 2016-17 school year.
- Delete the provision requiring the department to determine and implement an equitable funding method for experimental schools.

Section 28.

Amends s. 1011.62, F.S., Funds for operation of schools, to:

- Require the Exceptional Student Education Guaranteed Allocation in the FEFP to be recalculated once during the year based on actual student membership from the October FTE survey. If the calculated allocation exceeds the amount provided in the General Appropriations Act, the total must be prorated to the level of the appropriation based on each district's share of the total recalculated amount.
- Allow students who earn a CAPE Industry Certification through a dual enrollment course to generate additional FTE in the same manner as other non-dual enrollment courses if the certification is not a fundable certification on the post-secondary certification funding list, or is earned as a result of an agreement with a nonpublic postsecondary institution.
- Increase the CAPE industry certification teacher bonus from \$50 to \$75 paid to the teacher for each student taught who earned a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3 FTE, and to \$100 paid to the teacher for each student taught who earned a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 FTE or 1.0 FTE.
- Increase the teacher bonus limit for CAPE Industry Certifications from \$2,000 to \$3,000 in any given school year.
- Make permanent the federally connected student supplement.

Section 29.

Amends s.1011.71(1), F.S., District school tax, to:

- Conform a cross-reference in s. 1011.71(1), F.S.

Section 30.

Amends s. 1012.42, F.S., Teacher teaching out-of-field, to:

- Require school districts to report out-of-field teachers on the district's website within 30 days before the beginning of each semester.



- Allow a parent of a student assigned an out-of-field teacher to request that the child be transferred to an in-field teacher.
- Require school districts to approve or deny requests and transfer students to a different classroom teacher within two weeks if an in-field teacher for the course or grade level is employed by the school and the transfer does not violate maximum class size provisions.
- Require schools to notify parents of transfer requests that are denied, along with reasons for the denial.
- Require explanation of transfer process to be included in the student handbook or similar publication.
- Specify that these provisions do not provide parents the right to choose a specific teacher.

Section 31.

Amends s. 1012.56, F.S., Educator certification requirements, to:

- Allow a charter school to develop and maintain a professional development system for its instructional employees to demonstrate Professional Education Competence (PEC) as a requirement for issuance of a Professional Educator's Certificate.
- Require a charter school to base its approved PEC program on classroom application of the Florida Educator Accomplished Practices (FEAPs) and align the PEC program with its evaluation system established under s. 1012.34, F.S.

Section 32.

Creates s. 1012.583, F.S, Continuing education and inservice training for youth suicide awareness and prevention, to:

- Require FDOE, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, to develop list of approved youth suicide awareness and prevention training materials for K-12 instructional personnel.
- Require training to include identification of appropriate mental health services and how to refer students and families for those services. Training may include materials already being used by a school district if materials meet FDOE criteria, as well as programs instructional personnel can complete through self-review.
- A school that chooses to incorporate two hours of approved training for all instructional personnel shall be designated as a "Suicide Prevention Certified School." Training shall be part of the existing inservice training requirements for instructional personnel and may not add to the total hours currently required by FDOE. Participating schools must report participation to FDOE, which will maintain records.



- Stipulate that this section does not create any new duty of care or basis of liability.
- Provide rulemaking authority to the State Board of Education.

Section 33.

Amends s. 1012.795, F.S., Education Practices Commission; authority to discipline, to:

- Add the FHSAA to the list of organizations required to report specified misconduct by certified educators.
- Create a basis for the Education Practices Commission to discipline if the Commissioner of Education determines that probable cause exists to find a third recruiting violation occurred as defined by the FHSAA.

Section 34.

Amends s. 1012.796, F.S., Complaints against teachers and administrators; procedure; penalties, to:

- Require FDOE staff to advise the Commissioner of Education of all referrals submitted by the FHSAA.
- Remove the Commissioner of Education's option to offer a deferred prosecution agreement in FHSAA third-offense recruiting violations.
- Require all sanctions imposed be in addition to, not in lieu of, those penalties required for a third recruiting offense pursuant to s. 1006.20(2)(b), F.S.

Section 35.

Creates s. 1013.385, F.S., School district construction flexibility, to:

- Authorize a district school board to adopt, by supermajority vote, a resolution to implement limited exceptions to the State Requirements for Educational Facilities (SREF).
- Require that the district school board adopt the resolution at a public meeting that begins no earlier than 5 p.m., and conduct a cost-benefit analysis using a professionally accepted methodology for each exception selected by the district school board.
- Allows the implementation of exceptions to the following provisions of SREF if approved by the district school board:
 - Interior non-load-bearing walls -- to permit the use of fire-rated wood stud walls in new construction or remodeling for interior non-load-bearing wall assemblies that will not be exposed to water or located in wet areas;
 - Walkways, roadways, driveways, and parking areas -- to permit the use of designated, stabilized, and well-drained gravel or grassed areas for student parking;
 - Standards for relocatables used as classroom space – to permit installation of relocatable buildings without covered, paved walkway connections to permanent buildings; and



- Building and site lighting – to permit construction without provision of lighting for gravel or grassed auxiliary or student parking areas; the use of timers set to provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps and walkways from the exterior of a building to a public walkway, and at building entrances and exits only during periods when the site or building is occupied; and the use of an illumination standard of one footcandle at single-door exits.

Section 36.

- Prohibits the Office of Early Learning from adopting a kindergarten readiness rate for the 2014-15 and 2015-16 Voluntary Prekindergarten Education Program years.
- Requires private providers or public schools that were on probation for the 2013-14 program year to remain on probation until they meet the minimum rate that is adopted.
- Provides an expiration date of July 1, 2017.

Section 37.

Amends s. 1012.33, F.S., Contracts with instructional staff, supervisors, and school principals, to:

- Require retired individuals who are reemployed as instructional personnel to be under a one-year probationary contract as defined in s. 1012.335(2), F.S.
- Allow district school boards to reemploy retirees who successfully complete the probationary contract under an annual contract as defined in s. 1012.335(1), F.S. The retiree is not eligible for a professional service contract.

Section 38.

Amends s. 413.407, F.S., Division of Vocational Rehabilitation; quality assurance; performance improvement plan, to:

- Require the Division of Vocational Rehabilitation to develop and implement, by October 1, 2016, a performance improvement plan (PIP) based on the measureable quarterly progress indicators outlined in the 2015-16 GAA. The PIP must address plans to achieve the following goals:
 - Decreasing the average wait list time for serving clients.
 - Increasing the percentage of participants who:
 - Are in unsubsidized employment during the second and fourth quarters after exit from the program;
 - Obtain a recognized postsecondary credential or a secondary school diploma (or its equivalent) within one year of exiting the program;
 - Enroll in education or training programs that lead to a recognized postsecondary credential or employment while in the program.
 - Increasing the number of individuals earning CAPE industry certifications and CAPE postsecondary industry certifications and receiving pre-employment transition services.



- Increasing the median earnings of those in unsubsidized employment during the second quarter after exiting the program.
 - Increasing the percentage of youth receiving pre-employment transition services without applying for additional VR services and who obtained an educational credential within one year of exiting the program.
 - Increasing the division's effectiveness in serving employers, as indicated in the WIOA.
- Require the division to submit, by December 1 of each year, a performance report to the Governor, the President of the Senate and the Speaker of the House of Representatives that includes:
 - Caseload data, including the number of individuals who apply for and receive services, by service type;
 - Service use data, by service type, including the number of units provided;
 - Financial data, including expenditures for administration and the provision of services; and
 - Outcome data, including the number of cases closed, with and without employment.
- The performance report must include information for the five most recent fiscal years, reported statewide and by service area.

Section 39.

Amends s. 1003.44, F.S., Patriotic programs; rules, to:

- Remove the requirement for posting a notice in a conspicuous place that a student be informed of his/her right to not participate in the reciting of the pledge of allegiance, replacing that with a requirement that all students be informed of this right by a written notice published in the student handbook or a similar publication pursuant to s. 1006.07(2), F.S.
- Require students to be excused from standing and placing their right hand over their heart upon written request by their parent.
- Change "civilians" to "unexcused students," making the requirement to show full respect to the flag specific to unexcused students.

Section 40.

Creates s. 1003.432, F.S., Florida Seal of Biliteracy Program for high school graduates, to:

- Define biliteracy as the attainment of a high level of competency in listening, speaking, reading and writing in one or more foreign languages in addition to English.
- Establish signification of biliteracy on a high school graduate's diploma and transcript as either a Gold Seal of Biliteracy (highest level of competency) or a Silver Seal of Biliteracy (second-highest level of competency), awarded by the Commissioner of Education to high school graduates meeting the requirements.
- Provide the purpose of program is to:
 - Encourage students to study foreign languages.



- Certify attainment of biliteracy.
- Provide employers with a method of identifying an individual with biliteracy skills who is seeking employment.
- Provide a postsecondary institution with a method of recognizing an applicant with biliteracy skills who is seeking admission to the postsecondary institution.
- Recognize and promote foreign language instruction in public schools.
- Affirm the value of diversity, honor multiple cultures and foreign languages, and strengthen the relationships among multiple cultures in a community.
- Commences the program in 2016-17 for high school graduates with a standard diploma:
 - Earning four foreign language course credits in the same foreign language, with a cumulative 3.0 grade point average or higher on a 4.0 scale,
 - Achieving a qualifying score on a foreign language assessment, or
 - Satisfying alternative requirements as determined by the State Board of Education.
- Require the State Board of Education to adopt rules to implement this program with specified requirements.

General Implementation Timeline:

July 1, 2016	The act become effective.
July 1, 2016	School districts shall add four special consideration points to the matrix of services for students who are deaf and enrolled in an auditory-oral education program. All database, communication and web changes to the Benacquisto Scholarship, as authorized in Section 26 will be, completed for implementation.
December 1 Annually August 1, 2016	VR to submit a performance report. FHSAA must adopt and prominently publish the text of this section on its website and in its bylaws, rules, procedures, training and education materials and all other governing authority documents