

Tab 1	SB 66 by Cruz (CO-INTRODUCERS) Book, Taddeo, Berman, Rouson, Farmer, Stewart, Albritton; (Similar to H 00545) Drinking Water in Public Schools				
Tab 2	SB 520 by Montford; Funding for School Districts				
Tab 3	SB 798 by Mayfield; (Compare to H 00789) Baccalaureate Degree Access				
Tab 4	SB 982 by Thurston; (Compare to CS/H 00259) Human Trafficking Education in Schools				
468232	A	S	ED, Thurston	Delete L.61 - 74:	04/01 09:09 AM
Tab 5	SB 1164 by Gainer (CO-INTRODUCERS) Perry; (Identical to H 00593) Postsecondary Fee Waivers				
Tab 6	SB 1296 by Diaz; (Similar to CS/CS/H 00839) Organization and Operation of State Universities				
404368	D	S	ED, Diaz	Delete everything after	03/22 01:36 PM
171926	AA	S	ED, Berman	Delete L.10 - 22.	03/29 02:36 PM
Tab 7	SB 1342 by Stargel; (Compare to CS/H 00189) Postsecondary Education for Secondary Students				
745498	A	S	ED, Stargel	btw L.36 - 37:	04/01 09:34 AM
434620	A	S	ED, Stargel	btw L.39 - 40:	04/01 09:34 AM
600724	A	S	ED, Stargel	Delete L.93 - 104:	04/01 09:35 AM
Tab 8	SB 1380 by Perry; (Identical to H 01051) Gardiner Scholarship				
Tab 9	SB 1480 by Stargel; (Similar to CS/H 00807) Civics Education				
877054	A	S	ED, Stargel	Delete L.32 - 36:	03/29 04:04 PM
Tab 10	SB 1594 by Harrell; (Identical to H 01193) Voluntary Prekindergarten Education Program				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Tuesday, April 2, 2019

TIME: 10:00 a.m.—12:00 noon

PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 66 Cruz (Similar H 545)	Drinking Water in Public Schools; Defining the term "drinking water source"; requiring each school district to locate all drinking water sources in certain schools, install a barcode on each source, and install filters that meet certain specifications on all such sources, etc. ED 03/26/2019 Temporarily Postponed ED 04/02/2019 AED AP	
2	SB 520 Montford	Funding for School Districts; Holding harmless certain funding to school districts that enrolled students from certain counties as a result of Hurricane Michael; requiring that a calculation and allocation be made; providing that the funds calculated support a nonrecurring appropriation, etc. ED 03/26/2019 Temporarily Postponed ED 04/02/2019 AED AP	
3	SB 798 Mayfield (Compare H 789)	Baccalaureate Degree Access; Deleting a prohibition against certain Florida College System institutions participating in intercollegiate athletics beyond the 2-year level; authorizing Florida College System institutions to participate in intercollegiate athletics at the 4-year level, etc. ED 04/02/2019 AED AP	

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, April 2, 2019, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 982 Thurston (Compare CS/H 259)	Human Trafficking Education in Schools; Revising the required health education in public schools to include information regarding the dangers and signs of human trafficking; requiring the Department of Legal Affairs to develop human trafficking awareness campaigns; requiring the department to develop and operate a hotline to receive reports of potential human trafficking activity, etc. ED 04/02/2019 CJ AP	
5	SB 1164 Gainer (Identical H 593)	Postsecondary Fee Waivers; Authorizing certain Florida College System institutions serving counties directly impacted by a hurricane to waive out-of-state fees for students for a specified time period, etc. ED 04/02/2019 AED AP	
6	SB 1296 Diaz (Similar CS/CS/H 839, Compare H 1407, H 5501, H 7071, S 194, CS/S 1308, S 1744)	Organization and Operation of State Universities; Requiring the Board of Governors to report on the intellectual freedom and viewpoint diversity at each state university; revising the state university system performance-based incentive; requiring the Board of Governors to establish a minimum performance funding eligibility threshold for institutional investments, which must exceed a certain minimum threshold; clarifying that the University of South Florida St. Petersburg and the University of South Florida Sarasota/Manatee are branch campuses, etc. ED 03/26/2019 Temporarily Postponed ED 04/02/2019 AED AP	
7	SB 1342 Stargel (Compare CS/H 189)	Postsecondary Education for Secondary Students; Requiring, rather than authorizing, instructional materials to be made available to certain dual enrollment students free of charge; providing additional options for students participating in an early college program; authorizing certain private school and home education students to enroll in an early college program; authorizing a charter school to establish an early college program, etc. ED 03/26/2019 Temporarily Postponed ED 04/02/2019 AED AP	

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, April 2, 2019, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1380 Perry (Identical H 1051)	Gardiner Scholarship; Revising eligibility requirements for the Gardiner Scholarship Program; providing that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theatre, etc. ED 04/02/2019 AED AP	
9	SB 1480 Stargel (Similar H 807)	Civics Education; Requiring that instructional materials for certain civics education courses include only materials reviewed by the Florida Joint Center for Citizenship and approved by the Commissioner of Education; requiring the commissioner to identify errors and inaccuracies in state-adopted materials, etc. ED 04/02/2019 RC	
10	SB 1594 Harrell (Identical H 1193)	Voluntary Prekindergarten Education Program; Requiring a parent of a student enrolled in the Voluntary Prekindergarten Education Program to submit his or her student for a specified screening; requiring the Office of Early Learning to make available professional development and training courses that meet certain criteria; requiring each private prekindergarten provider and public school participating in the program to participate in a program assessment, etc. ED 04/02/2019 AED AP	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 66

INTRODUCER: Senator Cruz and others

SUBJECT: Drinking Water in Public Schools

DATE: March 25, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bouck	Sikes	ED	Pre-meeting
2. _____	_____	AED	_____
3. _____	_____	AP	_____

I. Summary:

SB 66 requires each school district to filter drinking water at each source for any school built before 1986. Specifically, for such schools the bill requires each school district to:

- Install a barcode on all school drinking water sources.
- Install a filter that meets specified standards to reduce lead at each school water source.
- Post a conspicuous sign near each non-drinking-water source warning that such source should not be used for human consumption.
- Publish on the school district's website information about filters for each drinking water source and actions necessary to comply with requirements.

The bill has a significant, but indeterminate, fiscal impact.

The bill takes effect July 1, 2019.

II. Present Situation:

Lead is a common hazardous contaminant found in the plumbing systems of older homes, businesses and schools. Although rarely found in source water, lead can enter tap water through the corrosion of aging plumbing materials. The three main sources of lead in water found in schools include:¹

- Lead-containing service lines connected to public water systems, most often in schools built prior to 1950;
- Lead solder used in copper piping systems prior to 1986; and

¹ NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools>, (last visited Mar. 16, 2019).

- Lead-containing brass or galvanized pipe and fittings, which includes many products manufactured prior to the mid-1990s.²

Lead is a neurotoxin that can accumulate in the body over time with long-lasting effects, particularly for children. Lead in a child's body can slow down growth and development, damage hearing and speech, and lead to learning disabilities. For adults, lead can have detrimental effects on cardiovascular, renal, and reproductive systems and can prompt memory loss. The concentration of lead, total amount consumed, and duration of exposure influence the severity of health effects.³ Lead in school drinking water is a concern because it is a daily source of water for over 50 million children enrolled in public schools.⁴

Federal Safe Water Requirements

The federal Safe Drinking Water Act (SDWA) was passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply.⁵ The SDWA authorizes the United States Environmental Protection Agency (EPA) to set standards for drinking water contaminants in public water systems.⁶ The SDWA applies to every public water system in the United States, which are regulated by the EPA under the Lead and Copper Rule (LCR),⁷ as required by the SDWA.⁸

² In 1986, Congress amended the Safe Drinking Water Act (SDWA), prohibiting the use of pipes, solder or flux that were not "lead free" in public water systems or plumbing providing water for human consumption. At the time "lead free" was defined as solder and flux with no more than 0.2 percent lead and pipes with no more than 8 percent. In 1996 Congress further amended the SDWA, requiring plumbing fittings and fixtures to be in compliance with voluntary lead leaching standards. The amendments also prohibited the sale of any pipe, pipe or plumbing fitting or fixture that is not lead free. United States Environmental Protection Agency, *Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water*, <https://www.epa.gov/dwstandardsregulations/use-lead-free-pipes-fittings-fixtures-solder-and-flux-drinking-water> (last visited Mar. 18, 2019).

³ United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 5.

⁴ *Id.* at 1.

⁵ United States Environmental Protection Agency, *Understanding the Safe Drinking Water Act* (June 2004), available at <https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf>, at 1. The SDWA is administered through programs that establish standards and treatment requirements for public water supplies, finance drinking water infrastructure projects, promote water system compliance, and control the underground injection of fluids to protect underground sources of drinking water. <https://fas.org/sgp/crs/misc/RL31243.pdf>, at 5.

⁶ United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 5. For a given contaminant the act requires the EPA to first establish a maximum contaminant level goal, which is the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. EPA must then set an enforceable maximum contaminant level as close to the maximum contaminant level goal as is feasible, or require water systems to use a treatment technique to prevent known or anticipated adverse effects on the health of persons to the extent feasible.

⁷ 40 C.F.R. Sections 141.80-141.91.

⁸ Pub. L. No. 93-523, 88 Stat. 1660 (1974). Under the Safe Drinking Water Act, the EPA is authorized to regulate contaminants in public drinking water systems. Since 1974, EPA has implemented its drinking water program under three separate legislative frameworks—first under the initial statute and subsequently under major amendments in 1986 and 1996. United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 2.

In the LCR, the EPA established a maximum contaminant level⁹ goal of zero, concluding that there was no established safe level of lead exposure. Instead, the rule established an “action level” of 15 micrograms of lead per liter (15 parts-per-billion (ppb)) of water, a level that EPA believed was generally representative of what could be feasibly achieved at the tap.¹⁰ If more than 10 percent of tap water samples exceed the lead action level of 15 ppb, then water systems are required to take specified treatment actions.¹¹

Because the LCR regulates public water systems, it does not directly address individual schools that are served by a public water system. There is no federal law requiring testing of drinking water for lead in schools that receive water from public water systems.¹² States and local jurisdictions may establish their own voluntary or mandatory programs for testing drinking water in schools and child-care facilities.¹³

The most direct oversight of water systems is conducted by state drinking water programs. States can apply to the EPA for “primacy,” the authority to implement the SDWA within their jurisdictions, if they can show that they will adopt standards at least as stringent as the EPA’s and make sure water systems meet these standards. All states and territories, except Wyoming and the District of Columbia, have received primacy.¹⁴

Florida Safe Water Requirements

The “Florida Safe Drinking Water Act”¹⁵ (Act) establishes the Florida Department of Environmental Protection (department) as the lead-agency with primary responsibility for the Act, with support by the Department of Health and its units, including county health departments. The Act is intended to:¹⁶

- Implement the federal Safe Drinking Water Act.¹⁷
- Encourage cooperation between federal, state, and local agencies, not only in their enforcement role, but also in their service and assistance roles to city and county elected bodies.
- Provide for safe drinking water at all times throughout the state, with due regard for economic factors and efficiency in government.

⁹ The maximum contaminant level goal is the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, allowing an adequate margin of safety.

¹⁰ United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 6.

¹¹ United States Environmental Protection Agency, *Basic Information about Lead in Drinking Water*, <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water> (last visited Mar. 20, 2019).

¹² United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), available at <https://www.gao.gov/assets/700/692979.pdf>, at 2.

¹³ United States Environmental Protection Agency, *3Ts for Reducing Lead in Drinking Water Toolkit*, <https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water-toolkit> (last visited Mar. 21, 2019).

¹⁴ United States Environmental Protection Agency, *Understanding the Safe Drinking Water Act* (June 2004), available at <https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf>, at 2.

¹⁵ Section 403.850, F.S. The Act includes ss. 403.850-403.891, F.S.

¹⁶ Section 403.851, F.S.

¹⁷ Pub. L. No. 93-523, S. 433, 93rd Cong. (1974).

In Florida, lead is monitored by the LCR and state rules.¹⁸ The Inorganics Monitoring Rule¹⁹ requires specified public water systems²⁰ to monitor for lead at each point of entry to its distribution system. In other words, after the water leaves the treatment plant, but before it reaches the water system's first customer.²¹ The LCR also requires that public water systems notify the department that they have complied with their obligation to notify consumers of the results of lead and copper sampling.²²

Florida law does not require schools to test or filter drinking water.²³ However, Florida regulations do require that any school with an on-site potable water system must be in proper working order and comply with the Florida Safe Drinking Water Act, which requires sampling and testing of the water supply.²⁴

Florida School District Actions Relating to Lead in Water

Recent examples of Florida school districts testing for lead and taking remedial actions include the:

- Hillsborough County School District, which tested more than 1,780 individual drinking or cooking water sources, prioritizing older schools. Remediation actions include replacing the fixture, adding water filters, or other plumbing projects.²⁵
- Polk County School District, which implemented a testing program in 2016,²⁶ and prioritized testing for schools built before 1986. If results were above the action level, a correction plan was implemented, which included a flushing protocol with follow-up testing, bottled water, installation of NSF-approved lead contaminant filters, and new plumbing.²⁷

¹⁸ Florida Department of Environmental Protection, *Monitoring Lead and Copper in Florida Drinking Water*, <https://floridadep.gov/water/source-drinking-water/content/monitoring-lead-and-copper-florida-drinking-water> (last visited Mar. 16, 2019).

¹⁹ Rule 62-550.513, F.A.C.

²⁰ Sections 403.852(3), (17), and (18).

²¹ Florida Department of Environmental Protection, *Monitoring Lead and Copper in Florida Drinking Water*, <https://floridadep.gov/water/source-drinking-water/content/monitoring-lead-and-copper-florida-drinking-water> (last visited Mar. 16, 2019).

²² *Id.*

²³ Nationwide, an estimated 43 percent of school districts, serving 35 million students, tested for lead in school drinking water in 2016 or 2017, according to GAO's nationwide survey of school districts. An estimated 41 percent of school districts, serving 12 million students, had not tested for lead. GAO's survey showed that, among school districts that did test, an estimated 37 percent found elevated lead (lead at levels above their selected threshold for taking remedial action.). U.S. Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance*, <https://www.gao.gov/products/GAO-18-382> (last visited Mar. 20, 2019).

²⁴ Florida Department of Education, *State Requirements for Educational Facilities* (2014), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>, at 62.

²⁵ Hillsborough County Public Schools, *Water Testing FAQ*, <https://www.sdhc.k12.fl.us/doc/2012/maintenance/resources/watertesting-faq/> (last visited Mar. 21, 2019). The testing revealed 1.5 percent of fixtures required remediation. Florida Department of Health, *Florida Department of Health in Hillsborough County Applauds School District's Lead Testing Efforts*, <http://hillsborough.floridahealth.gov/newsroom/2018/08/lead-testing-efforts.html> (last visited Mar. 21, 2019).

²⁶ <https://www.pcsb.org/site/handlers/filedownload.ashx?moduleinstanceid=39444&dataid=51816&FileName=water-treatment-brochure-v8-marksandbleed.pdf>.

²⁷ Polk County Schools, *Water Quality Assessment*, <https://polkschoolsfl.com/leadinformationcenter/> (last visited Mar. 21, 2019).

Filtering Water for Lead

Point-of-use (POU) and point-of-entry (POE) devices are different types of treatment options. A POU is installed at each outlet, while a POE is installed where the water enters the building. POE devices are typically used by public water system under the SDWA, which are required to meet the federal and state regulations for drinking water, including additional water quality monitoring. In addition, POE devices are not effective in removing lead that comes from plumbing materials within the school.²⁸

Point-of-use (POU) units are commercially available and can be effective in removing lead. There are a number of POU cartridge filter units available that effectively remove lead.²⁹ They can be relatively inexpensive (\$65 to \$250) or more expensive (\$250 to \$500)³⁰ and their effectiveness varies. Filters need routine maintenance (e.g., cartridge filter units need to be replaced periodically) to remain effective.³¹

The American National Standards Institute and NSF Standards

The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system. Founded in 1918, the ANSI works in close collaboration with stakeholders from industry and government to identify and develop standards.³²

The National Sanitation Foundation (NSF)³³ is an independent, not-for-profit ANSI-accredited organization that facilitates development of consensus-based national standards for the safety, health and performance of food, water and consumer products. This includes developing standards for drinking water treatment products, including plumbing supplies, and testing these products to ensure their compliance with NSF and other consensus-based standards.³⁴

²⁸ United States Environmental Protection Agency, *3Ts: Training, Testing, Taking Action, Module 6: Remediation and Establishing Routine Practices, Remediation Options* (Oct. 2018), available at https://www.epa.gov/sites/production/files/2018-09/documents/module_6_remediation_options_508.pdf, at 2.

²⁹ Environmental Protection Agency, *3Ts: Training, Testing, Taking Action: Module 6: remediation and Establishing Routing Practices—Remediation Options* (Oct. 2018), available at https://www.epa.gov/sites/production/files/2018-09/documents/module_6_remediation_options_508.pdf, at 2.

³⁰ Alachua County Schools recently began installing water filters at all schools in the district. The school district installed Omnipure K5615_KK filters that are NSF/ANSI-53 rated, with a maximum life of one year. The cost of such installation for all schools was \$30,000, which compares to an estimated cost of \$300,000 to test each school individually for lead contaminants. The Gainesville Sun, *Alachua County schools install filters to remove lead* (Oct. 15, 2018), <https://www.gainesville.com/news/20181015/alachua-county-schools-install-filters-to-remove-lead> (last visited Mar. 21, 2019).

³¹ Environmental Protection Agency, *3Ts: Training, Testing, Taking Action: Module 6: remediation and Establishing Routing Practices—Remediation Options* (Oct. 2018), available at https://www.epa.gov/sites/production/files/2018-09/documents/module_6_remediation_options_508.pdf, at 2.

³² American National Standards Institute, *What is ANSI? An Overview*, available at https://share.ansi.org/Shared%20Documents/News%20and%20Publications/Brochures/WhatIsANSI_brochure.pdf at 1.

³³ NSF International was founded as the National Sanitation Foundation in 1944, but changed its name to NSF International in 1990 with expansion of services beyond sanitation and into global markets. The letters NSF do not represent any specific words today. NSF, *Mission, Values, and History* <http://www.nsf.org/about-nsf/mission-values-history> (last visited Mar. 18, 2019).

³⁴ NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools> (last visited Mar. 18, 2019).

In the 1970s, NSF led the development standards for materials and products that treat or come in contact with drinking water, including water filters used in homes and businesses. They include:

- NSF Standard 53 (NSF-53) *Drinking Water Treatment Units - Health Effects* is the nationally recognized standard for evaluating and certifying drinking water treatment systems for the reduction of contaminants from drinking water.³⁵ NSF-53 establishes the minimum requirements for the certification of POU/POE filtration systems designed to reduce specific health-related contaminants, including lead, that may be present in drinking water.³⁶
- NSF/ANSI Standard 61 (NSF-61) *Drinking Water System Components – Health Effects* relates to plumbing products and water treatment and establishes requirements for the control of equipment that may introduce lead drinking water because of the materials used in the product.³⁷ The products and materials covered include, but are not limited to: process media (e.g., carbon or sand), protective materials (e.g., coatings, liners), joining and sealing materials (e.g., welding materials, gaskets), pipes and related products (e.g., pipes, tanks, fittings), and mechanical devices used in distribution systems (e.g., valves, chlorinators, POE drinking water systems).³⁸

III. Effect of Proposed Changes:

SB 66 requires each school district to filter drinking water at each source for any school built before 1986. Specifically, for such schools the bill requires each school district to:

- Install a barcode on all school drinking water sources.
- Install a filter that meets specified standards to reduce lead at each school water source.
- Post a conspicuous sign near each non-drinking-water source warning that such source should not be used for human consumption.
- Publish on the school district’s website information about filters for each drinking water source and actions necessary to comply with requirements.

The bill creates s. 1012.29, F.S., to recognize that:

- The adverse health effects of lead exposure in children and adults are well documented and no safe blood lead level in children has been identified;
- Lead accumulates in the body and can be ingested from various sources, including water sources used for drinking, food preparation, or cooking; and
- All sources of lead should be controlled or eliminated to prevent childhood lead poisoning.

The bill defines a “drinking water source” as any water source used for drinking, food preparation, or cooking, and requires that for each district school³⁹ built before 1986, the school district must:

³⁵ NSF, *Certified Product Listings for Lead Reduction*, http://info.nsf.org/Certified/DWTU/listings_leadreduction.asp?ProductFunction=053|Lead+Reduction&ProductFunction=058|Lead+Reduction&ProductType;=&submit2=Search (last visited Mar. 19, 2019).

³⁶ NSF, *Residential Drinking Water Treatment Standards*, <http://www.nsf.org/services/by-industry/water-wastewater/residential-water-treatment/residential-drinking-water-treatment-standards> (last visited Mar. 19, 2019).

³⁷ NSF, *Lead in School Water and Lead Plumbing Pipes*, <http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools> (last visited Mar. 18, 2019).

³⁸ NSF, *NSF/ANSI-61-2016*, available at https://www.nsf.org/newsroom_pdf/NSF-ANSI_61_watermarked.pdf, at 1.

³⁹ The bill refers to “district schools.” However, chapter 1013, which governs educational facilities, does not define a “district school,” but instead defines an “educational facility” as “the buildings and equipment, structures, and special educational use

- Identify and install a barcode on all drinking water sources in such school.
- Install a filter that reduces lead in drinking water on each drinking water source and, at a minimum, maintain each filter in a manner consistent with the manufacturer's recommendations. The filter or all of the filter's component parts must meet the National Sanitation Foundation/American National Standards Institute Standard 53: Drinking Water Treatment Units-Health Effects or Standard 61: Drinking Water System Components-Health Effects, as appropriate.
- Post a conspicuous sign near each school water source that is not a drinking water source. The sign must include wording and an image that clearly communicate that water from the source should not be used for human consumption, food preparation, or cooking.
- Publish on the school district's website a list of drinking water sources at such schools. At a minimum, the list must include for each drinking water source all of the following:
 - The date on which the current filter was installed.
 - The date on which the current filter is scheduled to be replaced.
 - The barcode identification number associated with the source.
 - Any actions necessary to comply with the requirements of this section which have been completed or are pending.

The bill requires point-of-use water filtration devices on specified drinking water sources, but does not amend the Florida Safe Drinking Water Act, and does not require a school district to have water at district schools tested for lead. Such filters may lower the risk of students and school personnel ingesting lead through drinking water. The bill may also increase public awareness of the risks of lead in drinking water, specifically in schools.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards.” Florida Department of Education, *DOE Agency Analysis of SB 66* (Nov. 28, 2018), at 5.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Manufacturers of filters to reduce lead in drinking water may realize increased revenues from school districts purchasing filters to comply with the bill's requirements.⁴⁰

C. Government Sector Impact:

According to the Department of Education, there are approximately 1,751 schools currently in operation that were built prior to 1987. This count does not include buildings that are not part of a school campus, such as maintenance buildings and bus barns. School districts with schools built prior to 1986 would incur expenditures associated with the following requirements:

- Installing barcodes on all drinking water sources in all schools built before 1986.
- Installing approved filters on all drinking water sources in schools built before 1986 and replacing the filters at regular intervals to meet certain specifications and standards.
- Publishing and updating specified information on the school district's website.
- Posting of signage on all water sources that are not for human consumption that are found in schools that were built before 1986.

The costs are indeterminable and would vary by school district, depending on the number of schools that were built prior to 1986 and the availability of district staff to perform work associated with the tracking, filter installation and posting requirements.⁴¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1013.29 of the Florida Statutes.

⁴⁰ Florida Department of Education, *2019 Agency Analysis of SB 66* (Nov. 28, 2018), at 4.

⁴¹ *Id.* at 3.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senators Cruz, Book, and Taddeo

32-00092A-19

201966__

A bill to be entitled

An act relating to drinking water in public schools; creating s. 1013.29, F.S.; providing legislative findings; defining the term "drinking water source"; requiring each school district to locate all drinking water sources in certain schools, install a barcode on each source, and install filters that meet certain specifications on all such sources; requiring such schools to post certain signage on certain water sources and to publish specified information on the school district's website; providing an effective date.

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

Section 1. Section 1013.29, Florida Statutes, is created to read:

1013.29 Prevention of lead in drinking water in public schools.—

(1) The Legislature recognizes that:

(a) The adverse health effects of lead exposure in children and adults are well documented and no safe blood lead level in children has been identified;

(b) Lead accumulates in the body and can be ingested from various sources, including water sources used for drinking, food preparation, or cooking; and

(c) All sources of lead should be controlled or eliminated to prevent childhood lead poisoning.

(2) As used in this section, the term "drinking water

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00092A-19

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source" means any water source used for drinking, food preparation, or cooking.

(3) For each district school which was built before 1986, each school district shall:

(a) Identify and install a barcode on all drinking water sources in such school.

(b) Install a filter that reduces lead in drinking water on each drinking water source and, at a minimum, maintain each filter in a manner consistent with the manufacturer's recommendations. The filter or all of the filter's component parts must meet the National Sanitation Foundation/American National Standards Institute Standard 53: Drinking Water Treatment Units-Health Effects or Standard 61: Drinking Water System Components-Health Effects, as appropriate.

(c) Post a conspicuous sign near each school water source that is not a drinking water source. The sign must include wording and an image that clearly communicate that water from the source should not be used for human consumption or, if applicable, food preparation or cooking.

(d) Publish on the school district's website a list of drinking water sources at such schools. At a minimum, the list must include for each drinking water source all of the following:

1. The date on which the current filter was installed.

2. The date on which the current filter is scheduled to be replaced.

3. The barcode identification number associated with the source.

4. Any actions necessary to comply with the requirements of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 this section which have been completed or are pending.

60 Section 2. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 520

INTRODUCER: Senator Montford

SUBJECT: Funding for School Districts

DATE: March 25, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Olenick	Sikes	ED	Pre-meeting
2. _____	_____	AED	_____
3. _____	_____	AP	_____

I. Summary:

SB 520 holds harmless school districts most impacted by Hurricane Michael and provides a special one-time appropriation based on the enrollment difference in full-time equivalent (FTE) students in the October FTE survey and the February FTE survey.

The bill takes effect July 1, 2019.

II. Present Situation:

Florida Education Finance Program

The Legislature enacted the Florida Education Finance Program (FEFP) in 1973 to allocate funds for the operation of K-12 public schools, in accordance to statutory requirements. The FEFP is the primary mechanism for funding the operating costs of Florida school districts. A key feature of the FEFP is that it bases financial support for education upon the individual student participating in a particular educational program rather than upon the number of teachers or classrooms. FEFP funds are primarily generated by multiplying the number of full-time equivalent (FTE) students in each of the funded education programs by cost factors to obtain weighted FTE students.¹

Each school district that participates in the state appropriations for the FEFP must operate all schools for a term of 180 actual teaching days as prescribed by law² or the hourly equivalent of 180 actual teaching days, as prescribed in State Board of Education rule.³ The FEFP provides

¹ Florida Department of Education, *2017-2018 Funding for Florida School Districts* (2017) <http://fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

² Section 1011.60(2), F.S.

³ Rule 6A-1.045111, F.A.C.

funding for a 180-day regular school year, or the hourly equivalent of 180 days.⁴ The hourly equivalent for kindergarten through grade 3 is 720 instructional hours and 900 instructional hours for students in grades 4 through grade 12.⁵

Full Time Equivalent Student Enrollment

A full-time equivalent (FTE) student is a student in attendance for 180 school days, which represents the number of instructional hours provided to students, by grade levels.⁶

The Florida Department of Education (DOE) conducts surveys to count students for purposes of FTE funding. These surveys provide the snapshots of the educational programs offered in the districts, the number of students enrolled and attending, and the number of instructional minutes per grade level.⁷ The survey periods for record determination are set annually by the Commissioner of Education. For FTE reporting, the survey periods cover the following time frames:⁸

- Survey Period 1 (July) covers the time period from the beginning of the fiscal year (July 1) to the beginning of the defined 180-day school year.
- Survey Period 2 (October) covers the first 90 days of the 180-day school year.
- Survey Period 3 (February) covers the second 90 days of the 180-day school year.
- Survey Period 4 (June) covers the period from the end of the 180-day school program to the end of the fiscal year (June 30).

Hurricane Michael made landfall on October 10, 2018, after the completion of the October FTE survey.⁹ As a result, it is anticipated that the February FTE survey will show a considerable reduction in student FTE counts for the school districts affected by Hurricane Michael.

Hold Harmless and Hurricane Recovery Funding

The Legislature has provided relief to school districts impacted by the destruction from hurricanes in the past. For example, statutory ‘hold harmless’ language was passed after Hurricane Andrew in 1992,¹⁰ which provided a one-time match of federal funds with funds from the FEFP to the Dade County school system to account for the loss of revenue due to a student enrollment decrease following the hurricane.¹¹ In 2004, nine school districts were appropriated a total of \$3.9 million for hurricane recovery.¹²

⁴ *Id.* see Department of Education, *Full-time Equivalent (FTE) General Instructions 2018-2019* (2018) <http://www.fldoe.org/core/fileparse.php/7508/urlt/1819FTEGeneralInstruct.pdf>.

⁵ *Id.*

⁶ Rule 6A-1.045111, F.A.C

⁷ Section 1011.62(1), F.S.

⁸ Department of Education *Full-time Equivalent (FTE) General Instructions 2018-2019* (2018) <http://www.fldoe.org/core/fileparse.php/7508/urlt/1819FTEGeneralInstruct.pdf>.

⁹ Florida Department of Education, *Suspension of Rule 6A-1.0451* (2018), <http://www.fldoe.org/core/fileparse.php/18532/urlt/FTE-StudentReporting.pdf>

¹⁰ Section 3, ch. 92-350, L.O.F.

¹¹ *Id.*

¹² 2005-2006 General Appropriations Act - line item 101A, <http://www.fldoe.org/core/fileparse.php/7513/urlt/review2005.pdf> at 3.

III. Effect of Proposed Changes:

SB 520 holds harmless school districts most impacted by Hurricane Michael and provides a special one-time appropriation based on the enrollment difference in full-time equivalent (FTE) students in the October FTE survey and the February FTE survey.

Hold Harmless and Hurricane Recovery Funding

The bill provides that in order to hold harmless school districts impacted by Hurricane Michael from a loss of revenue due to a decrease in student enrollment, a special one-time appropriation based on the enrollment difference in FTE students in the October FTE survey and the February FTE survey will be provided to those school districts. The bill specifies the special one-time appropriation is for the Bay County, Calhoun County, Franklin County, Gadsden County, Gulf County, Holmes County, Jackson County, Liberty County, and Washington County school districts.

The bill further specifies that the funds calculated shall support a nonrecurring appropriation which is separate from the appropriation for the Florida Education Finance Program (FEFP) for the affected districts.

In effect, the bill provides for financial assistance to school districts most impacted by Hurricane Michael to offset the decrease in FTE students and subsequent loss of FEFP revenue.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill provides that the funds calculated based on the loss of full-time equivalent (FTE) student enrollment will support a nonrecurring appropriation separate from the Florida Education Finance Program (FEFP). The provision of this funding would be subject to appropriation in the General Appropriations Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section of law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Montford

3-01135-19

2019520__

A bill to be entitled

An act relating to funding for school districts;
holding harmless certain funding to school districts
that enrolled students from certain counties as a
result of Hurricane Michael; requiring that a
calculation and allocation be made; providing for the
calculation; providing that the funds calculated
support a nonrecurring appropriation; providing an
effective date.

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

Section 1. In order to hold harmless school districts from
a loss of revenue due to students not attending Bay, Calhoun,
Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, and
Washington schools as a result of Hurricane Michael, the
following special one-time calculation and allocation shall be
made.

(1) The difference in funding for the Bay County, Calhoun
County, Franklin County, Gadsden County, Gulf County, Holmes
County, Jackson County, Liberty County, and Washington County
school districts based on enrollment from the 2018-2019 October
FTE survey and the enrollment from the 2018-2019 February FTE
survey in each district shall be calculated.

(2) The funds calculated in subsection (1) shall support a
nonrecurring appropriation separate from the appropriation for
the Florida Education Finance Program for the affected
districts.

Section 2. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 798

INTRODUCER: Senator Mayfield

SUBJECT: Baccalaureate Degree Access

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 798 modifies provisions relating to Florida College System (FCS) institution baccalaureate degrees to authorize an FCS institution to participate in intercollegiate athletics at the four-year level. The bill also removes obsolete language relating to the approval of baccalaureate degrees at St. Petersburg College.

The bill has no fiscal impact

The bill takes effect July 1, 2019.

II. Present Situation:

Florida College System Baccalaureate Degrees

The Florida College System¹ (FCS) is intended to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state's employment needs.²

The Legislature created the site-determined baccalaureate degree access program in 1999 to authorize FCS institutions to offer baccalaureate degrees to meet the economic development and educational needs of place-bound, nontraditional students in areas of the state that are underserved by 4-year institutions.³

Any FCS institution that offers one or more baccalaureate degree programs must:

- Maintain as its primary mission:

¹ The Florida College System (FCS) is comprised of 28 FCS institutions specified in law. Section 1000.21(3), F.S.

² Section 1001.60, F.S. *See also* Art. IX, s. 8, Fla. Const.

³ Section 1, ch. 99-290, L.O.F.

- Responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in law.⁴
- The provision of associate degrees that provide access to a university.
- Maintain an open-door admission policy for associate-level degree programs and workforce education programs.
- Continue to provide outreach to underserved populations.
- Continue to provide remedial education.
- Comply with all provisions of the statewide articulation agreement⁵ that relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education (SBE).
- Not award graduate credit.
- Not participate in intercollegiate athletics beyond the 2-year level.

An FCS institution is authorized to:⁶

- Offer specified baccalaureate degree programs through formal agreements between the FCS institution and other regionally accredited postsecondary educational institutions to maximum articulation.⁷
- Offer baccalaureate degree programs that were authorized by law prior to July 1, 2009.
- Beginning July 1, 2009, establish a first or subsequent baccalaureate degree program for purposes of meeting district, regional, or statewide workforce needs if approved by the SBE.⁸

Currently, 27 FCS institutions offer 188 baccalaureate degrees.⁹

St. Petersburg College

In 2001, the Legislature redesignated St. Petersburg Junior College as St. Petersburg College (SPC) and authorized community colleges to offer baccalaureate degrees in populous counties that are underserved by public baccalaureate degree granting institutions.¹⁰

The SPC board of trustees (BOT) is authorized to establish additional baccalaureate degree programs if it determines a program is warranted and feasible based on specified factors. However, in 2014, the SPC BOT were prohibited from establishing any new baccalaureate degree programs from March 31, 2014, through May 31, 2015.¹¹

⁴ Section 1004.65(5), F.S.

⁵ Section 1007.23, F.S.

⁶ Section 1007.33(4)(a)-(c), F.S.

⁷ Section 1007.22, F.S.

⁸ The approval process and requirements for FCS institution baccalaureate programs are specified in s. 1007.33(5), F.S., and in rule 6A-14.095, F.A.C.

⁹ Florida College System, *Bachelor's Degrees*, available at <https://www.floridacollegesystem.com/sites/www/Uploads/files/Downloads/10DigitCIPs.xls>. Hillsborough Community College does not offer baccalaureate degrees. *Id.*

¹⁰ Section 40, ch. 2001-170, L.O.F.

¹¹ Section 1007.33(4), F.S. Section. 22, 2014-56, L.O.F., (HB 5101) prohibited the State Board of Education (SBE) from approving new baccalaureate degree programs at all FCS institutions after March 31, 2014. Existing FCS baccalaureate degree programs remained under the authority of the SBE. The bill emphasized that the primary mission of FCS institutions was providing lower level undergraduate instruction, awarding associate degrees, and preparing students directly for careers requiring less than a baccalaureate degree, and that providing upper level instruction and awarding baccalaureate degrees was a separate and secondary role.

Intercollegiate Athletics at Florida College System Institutions

National Junior College Athletic Association and Florida Junior College Athletic Association

The National Junior Collegiate Athletic Association (NJCAA) is the national governing body of two-year college athletics.¹² Florida is a member of the NJCAA in region eight.¹³ The NJCAA specifies that student athletes at member colleges may only participate in a maximum of two seasons at any intercollegiate level, without regard to the student-athlete's length of college attendance.¹⁴

The Florida College System Activities Association (FCSAA) is a statewide non-profit corporation regulating, coordinating, and promoting intercollegiate athletics, among other activities.¹⁵ Twenty-five FCS institutions participate in 57 men's sports and 84 women's sports.¹⁶ According to the FCSAA, in 2017-2018, there were 252 student-athletes from 13 FCS institutions who would be participating in intercollegiate athletics at a four-year college or university in the next academic year.¹⁷

Institution Eligibility, Student Eligibility, and Athletic Scholarships

The NJCAA and four-year athletic associations, such as the National Collegiate Athletics Association (NCAA) and the National Association of Intercollegiate Athletics (NAIA) each specify requirements for institution membership, student eligibility, and the number of scholarships a member institution may offer.

Institution Eligibility for Association Membership

Membership in the NJCAA is available to two-year colleges and institutions accredited by an appropriate state or regional accrediting agency.¹⁸

Membership in selected four-year athletic associations requires a member institution to be regionally accredited, and for membership in the:

- NCAA (Division I), an institution must sponsor a minimum of 7 men's and 7 women's sports, or 6 men's and 8 women's sports, of which each must include 2 team sports.¹⁹

¹² National Junior College Athletic Association, *History of the NJCAA*, <http://www.njcaa.org/about/history/index> (last visited Mar. 27, 2019).

¹³ National Junior College Athletic Association, *NJCAA National Office Staff*, http://njcaa.org/about/Staff_Bio/NJCAA_National_Staff_Directory (last visited Mar. 28, 2019).

¹⁴ National Junior College Athletic Association, *Eligibility Rules Pamphlet* (Aug. 1, 2018), available at https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf, at 20.

¹⁵ Florida College System Activities Association, *Welcome from the President*, http://thefcsaa.com/about_us/About_the_FCSAA (last visited Mar. 28, 2019).

¹⁶ Florida College System Activities Association, *Sports Offerings 2018-2019*, http://thefcsaasports.com/about_the_fcsaa/Sports_Offerings_2018-2019.pdf (last visited Mar. 28, 2019). Florida Keys Community College, North Florida Community College, and Valencia College do not have athletics programs. *Id.*

¹⁷ Florida College System Activities Association, *Four Year Colleges & Universities*, http://thefcsaasports.com/stepping_stones/2017-18_Transfers (last visited Mar. 28, 2019).

¹⁸ National Junior College Athletics Association, *Join the NJCAA*, http://njcaa.org/member_colleges/Join_the_NJCAA (last visited Mar. 28, 2019).

¹⁹ National Collegiate Athletics Association, *2018-19 Division I Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D119.pdf>, at policy 20.9.6. Requirements also include minimum number of contests for each sport and minimum required number of participants in each contest.

- NCAA (Division II), an institution must sponsor a minimum of 5 men's and 5 women's sports, or 4 men's and 6 women's sports, and each must include 2 team sports.^{20,21}
- NAIA, an institution must sponsor a minimum of six NAIA championship sports no later than the beginning of the fourth full academic year of active NAIA membership.²²

Student Initial Eligibility

The NJCAA and FCSAA require that students graduate with a state-approved high school diploma or equivalency diploma.²³

In addition to a high school diploma, general student eligibility for the following four-year athletic associations require that:

- Students attending an NCAA Division I institution must complete 16 specified core courses;²⁴ earn a core-course grade-point-average (GPA) of 2.3, and earn an SAT/ACT score that corresponds to their GPA.²⁵
- Students attending an NCAA Division II institution must complete 16 specified core courses, earn a core-course GPA of 2.2, and earn an SAT/ACT score that corresponds to their GPA.²⁶
- Students attending an NAIA institution must meet two of the following requirements: a cumulative GPA of 2.0; a class rank in the top 50 percent of the graduating class; or an SAT score of 860 Critical Reading and Math or ACT score of 16 (Beginning May 1, 2019, an SAT score of 970 or ACT score of 18).²⁷

Student-Athlete Scholarships

The NJCAA divides its competitive sports into three divisions (Division I-III).²⁸ The current scholarship parameters for the three competition divisions are:

²⁰ National Collegiate Athletics Association, *2018-19 Division II Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D219.pdf>, at policy 20.10.3. Similar to Division I, Division II specifies a minimum number of contests for each sport and minimum required number of participants in each contest.

²¹ NCAA Division III requires a member institution to sponsor either 5 or 6 men's and either 5 or 6 women's sports, based on institution enrollment of fewer or more than 1,000 students, including at least three team sports in each. National Collegiate Athletics Association, *2018-19 Division III Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D319.pdf>, at policy 20.11.3.

²² National Association of Intercollegiate Athletics, *Membership Basics*, available at http://www.naia.org/fls/27900/1NAIA/membership/NAIA_Membership_Basics_2019.pdf.

²³ National Junior College Athletic Association, *Eligibility Rules Pamphlet* (Aug. 1, 2018), available at https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf, at section 2.B.1. Students may also graduate from a home education program. *Id.* at section 2.B.2. See also Florida College System Activities Association, *Council for Athletic Affairs Handbook* (Nov. 2018), available at http://thefcsaa.com/resources/CAA_Handbook_2018_November.pdf, at Policy 5-Eligibility.

²⁴ Ten of the 16 courses must be in English, mathematics, or natural/physical science and must be completed before the senior year.

²⁵ National Collegiate Athletics Association, *Division I Academic Requirements*, available at https://www.ncaa.org/sites/default/files/2018DIEC_Requirements_Fact_Sheet_20180117.pdf

²⁶ National Collegiate Athletics Association, *Division II Academic Requirements*, available at https://www.ncaa.org/sites/default/files/2018DIIIEC_Requirements_Fact_Sheet_20180117.pdf.

²⁷ National Association of Intercollegiate Athletics, *NAIA Eligibility Center*, available at http://www.naia.org/fls/27900/1NAIA/membership/NAIA_EligibilityCenter.pdf.

²⁸ National Junior College Athletic Association, *Divisional Structure*, http://www.njcaa.org/member_colleges/Divisional_Structure (last visited Mar. 28, 2019).

- Division I colleges may grant full athletic scholarships,²⁹ with limits on the number of scholarships that can be granted. For example, baseball may award 24 scholarships, basketball may award 15 scholarships, soccer may award 24 scholarships, and outdoor track and field may award 20 scholarships.³⁰
- Division II colleges may grant athletic scholarships,³¹ with similar scholarship limitations.³²

The NCAA:

- Division I designates football, basketball, women's gymnastics, women's tennis, and women's volleyball as headcount sports, which typically award full scholarships.³³ Most NCAA varsity sports award scholarships based on the value (equivalency) of financial aid awards.³⁴ Equivalency awards may be split into partial scholarships up to the maximum allowable. For example, an NCAA Division I baseball program may award partial scholarships among its players (up to 27 players) up to the equivalent of 11.7 full scholarships.³⁵
- Division II specifies similar scholarship requirements, but sets a lower limits on scholarships. For example, baseball may award partial scholarships equivalent to 9 full scholarships.³⁶

The NAIA specifies that each sport has an upper limit for the amount of institutional aid allowed per school. The school may choose to divide the scholarships among student-athletes, as long as the total does not exceed the limit for the sport (e.g., baseball may award 12 full scholarships, basketball may award 11, soccer may award 12, and volleyball may award 8).³⁷

III. Effect of Proposed Changes:

SB 798 modifies provisions relating to Florida College System (FCS) institution baccalaureate degrees to authorize an FCS institution to participate in intercollegiate athletics at the four-year level. The bill also removes obsolete language relating to the approval of baccalaureate degrees at St. Petersburg College (SPC).

²⁹ Scholarships consist of tuition, books, fees, room & board, up to \$250 in course required supplies, and transportation costs one time per academic year.

³⁰ National Junior College Athletic Association, *2018-2019 NJCAA Sports Procedures*, available at https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf at Art. VI, s. 2(A)A.1. The *Sports Procedures* chart is Appendix B.

³¹ Such scholarships are limited to tuition, books, fees and up to \$250 in course required supplies.

³² *Id.* Division III institutions may not award athletic scholarships. National Junior College Athletic Association, *Divisional Structure*, http://www.njcaa.org/member_colleges/Divisional_Structure (last visited Mar. 28, 2019).

³³ Headcount sports mean the stated scholarship limit is absolute, and the number of student athletes receiving awards cannot exceed this number. National Collegiate Athletics Association, *2018-19 Division I Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D119.pdf> at policy 15.5.2.1.

³⁴ *Id.* at policy 15.5.3.

³⁵ *Id.* at policy 15.5.4.

³⁶ National Collegiate Athletics Association, *2018-19 Division II Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D219.pdf> at policy 15.4.2.1.1.

³⁷ National Association of Intercollegiate Athletics, *Financial Aid*, available at http://www.naia.org/fls/27900/1NAIA/membership/NAIA_FinancialAid.pdf. Academically gifted students can be exempted from these limits if they meet GPA or test score criteria established by the NAIA.

Baccalaureate Degrees

The bill amends s. 1007.33, F.S., to remove obsolete language that prohibited the SPC board of trustees to establish any new baccalaureate degree programs from March 31, 2014, through May 31, 2015.

Intercollege Athletics at Florida College System Institutions

The bill amends s. 1007.33, F.S., to remove the prohibition on an FCS institution that offers a baccalaureate degree from participating in intercollegiate athletics beyond the 2-year level, and to authorize an FCS institution to participate in intercollegiate athletics at the 4-year level. This will allow FCS institutions to choose to participate in intercollegiate athletics at either the 2-year or 4-year level. Such authorization may offer additional opportunities for students who wish to participate in intercollegiate athletics to earn a baccalaureate degree at an FCS institution.

Institution Eligibility

Those institutions that choose to offer 4-year intercollegiate varsity athletics will be required to join a 4-year athletic association. However, currently only selected FCS institutions would qualify for membership in certain associations, based on the number of sports offered. For example:³⁸

- No FCS institution offers the requisite number of men's and women's sports to participate in the NCAA Division I.
- Two FCS institutions (Eastern Florida State College and Daytona State College) would qualify to participate in the NCAA Division II.
- Nine FCS institutions would qualify for immediate membership in the NAIA.³⁹

Student Initial Eligibility

Students who participate in 4-year intercollegiate athletics at an FCS institution may be required to complete more rigorous eligibility requirements than required for the NJCAA or college admissions. Students are not required under NJCAA eligibility rules to present qualifying scores on the SAT or ACT or earn a specified high school grade-point-average (GPA). However, NCAA and NAIA student eligibility requirements include minimum scores on the SAT or ACT, based on a student's GPA. In addition, student eligibility for the NCAA requires completion of 16 specified core courses with a GPA higher than that required for a Florida standard diploma.⁴⁰

³⁸ Florida College System Activities Association, *Sports Offerings 2018-2019*, http://thefcsaasports.com/about_the_fcsaa/Sports_Offerings_2018-2019.pdf (last visited Mar. 28, 2019).

³⁹ FCS institutions that would qualify for NAIA membership are: Broward College, Daytona State College, Eastern Florida State College, Florida State College at Jacksonville, Hillsborough Community College, Indian River State College, Pasco-Hernando State College, St. Petersburg College, and Tallahassee Community College. *Id.*

⁴⁰ Students must earn a 2.0 on a 4.0 scale to earn a high school diploma. Section 1003.4282(6)(a), F.S. Students must complete specified 16 core courses with at least a 2.3 GPA for NCAA Division I, and at least a 2.2 GPA for NCAA Division II.

Athletic Scholarships

An FCS institution that joins a 4-year athletic association may be required to adjust the number of scholarships available to student athletes. For example, the NJCAA, NCAA, and NAIA scholarship limitations vary in such sports as:

- Baseball—the NJCAA authorizes 24 full scholarships in baseball, the NCAA Division I authorizes equivalency to 11.7 scholarships, NCAA Division II equivalency to 9 scholarships, and the NAIA 12 full scholarships.
- Basketball—the NJCAA authorizes 15 full scholarships in basketball, the NCAA Division I authorizes 13 full scholarships, NCAA Division II 10 full scholarships, and the NAIA 11 full scholarships.
- Soccer—the NJCAA authorizes 24 full scholarships in soccer, the NCAA Division I authorizes equivalency to 9.9 scholarships, NCAA Division II equivalency to 9 scholarships, and the NAIA 12 full scholarships.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1007.33 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Mayfield

17-01440-19

2019798__

1 A bill to be entitled
 2 An act relating to baccalaureate degree access;
 3 amending s. 1007.33, F.S.; deleting a prohibition
 4 against certain Florida College System institutions
 5 participating in intercollegiate athletics beyond the
 6 2-year level; authorizing Florida College System
 7 institutions to participate in intercollegiate
 8 athletics at the 4-year level; deleting obsolete
 9 language; providing an effective date.
 10
 11 Be It Enacted by the Legislature of the State of Florida:
 12
 13 Section 1. Paragraph (g) of subsection (2) and subsection
 14 (4) of section 1007.33, Florida Statutes, are amended to read:
 15 1007.33 Site-determined baccalaureate degree access.—
 16 (2) Any Florida College System institution that offers one
 17 or more baccalaureate degree programs must:
 18 ~~(g) Not participate in intercollegiate athletics beyond the~~
 19 ~~2-year level.~~
 20 (4) A Florida College System institution may:
 21 (a) Offer specified baccalaureate degree programs through
 22 formal agreements between the Florida College System institution
 23 and other regionally accredited postsecondary educational
 24 institutions pursuant to s. 1007.22.
 25 (b) Offer baccalaureate degree programs that were
 26 authorized by law before ~~prior to~~ July 1, 2009.
 27 (c) Participate in intercollegiate athletics at the 4-year
 28 level.
 29 (d)(e) Beginning July 1, 2009, Establish a first or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 subsequent baccalaureate degree program for purposes of meeting
 31 district, regional, or statewide workforce needs if approved by
 32 the State Board of Education under this section.
 33
 34 ~~Beginning July 1, 2009,~~ The Board of Trustees of St. Petersburg
 35 College is authorized to establish one or more bachelor of
 36 applied science degree programs based on an analysis of
 37 workforce needs in Pinellas, Pasco, and Hernando Counties and
 38 other counties approved by the Department of Education. For each
 39 program selected, St. Petersburg College must offer a related
 40 associate in science or associate in applied science degree
 41 program, and the baccalaureate degree level program must be
 42 designed to articulate fully with at least one associate in
 43 science degree program. The college is encouraged to develop
 44 articulation agreements for enrollment of graduates of related
 45 associate in applied science degree programs. The Board of
 46 Trustees of St. Petersburg College is authorized to establish
 47 additional baccalaureate degree programs if it determines a
 48 program is warranted and feasible based on each of the factors
 49 in paragraph (5) (d). Before ~~However, the Board of Trustees of~~
 50 ~~St. Petersburg College may not establish any new baccalaureate~~
 51 ~~degree programs from March 31, 2014, through May 31, 2015. Prior~~
 52 ~~to~~ developing or proposing a new baccalaureate degree program,
 53 St. Petersburg College shall engage in need, demand, and impact
 54 discussions with the state university in its service district
 55 and other local and regional, accredited postsecondary providers
 56 in its region. Documentation, data, and other information from
 57 inter-institutional discussions regarding program need, demand,
 58 and impact shall be provided to the college's board of trustees

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59 to inform the program approval process. Employment at St.
60 Petersburg College is governed by the same laws that govern
61 Florida College System institutions, except that upper-division
62 faculty are eligible for continuing contracts upon the
63 completion of the fifth year of teaching. Employee records for
64 all personnel shall be maintained as required by s. 1012.81.

65 Section 2. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 982

INTRODUCER: Senator Thurston

SUBJECT: Human Trafficking Education in Schools

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Pre-meeting
2.			CJ	
3.			AP	

I. Summary:

SB 982 adds information on the dangers and signs of human trafficking to required instruction as a part of comprehensive health education in public schools, and authorizes a student to opt out of such instruction.

The bill also requires the Florida Department of Legal Affairs (DLA) to develop campaigns to increase awareness of human trafficking, and to develop a toll-free hotline to receive reports of potential human trafficking incidents.

The fiscal impact of the requirement for DLA to develop human trafficking awareness campaigns and a toll-free hotline is indeterminate.

The bill takes effect on July 1, 2019.

II. Present Situation:

Human Trafficking

The federal Victims of Trafficking and Violence Protection Act of 2000¹ defines "severe forms of trafficking in persons" as the recruitment, harboring, transportation, provision, or obtaining of a person for:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

¹ Public Law 106-386, s. 103, 22 U.S.C. s. 7102.

Florida law defines human trafficking as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.² Human trafficking is a form of modern-day slavery.³ Victims of human trafficking are young children, teenagers, and adults. Victims of human trafficking include citizens of the United States and those persons trafficked domestically within the borders of the United States. The victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.⁴

Florida Abuse Hotline

The Florida Abuse Hotline serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida.⁵ The Department of Children and Families (DCF) is required to operate and maintain the abuse hotline to receive reports at any hour of the day or night, any day of the week.⁶ The DCF must also promote public awareness of the central abuse hotline through community-based partner organizations and public service campaigns.⁷

Toll-free national numbers to report human trafficking of children in Florida are relayed to the abuse hotline. In 2017, the National Human Trafficking Hotline received reports on 2,762 cases related to the trafficking of minors, 182 of which were located in Florida.⁸

In Fiscal Year (FY) 2017-2018, the total number of initial and follow-up reports received by the abuse hotline alleging human trafficking was 2,133 reports, which is slightly less than the 2,224 reports from FY 2016-17.⁹ In FY 2013-14, there were 861 reports received. Overall, from FY 2013-14 to FY 2017-18, there was a 147.7 percent increase in reports to the hotline for human trafficking.¹⁰

² Section 787.06(2)(d), F.S.

³ Section 787.06(1), F.S.

⁴ *Id.* at (1)(a). Florida law describes sexual exploitation as prostitution or the work in the sexual entertainment industry and forced labor as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work. Section 787.06(1)(b), F.S.

⁵ Florida Department of Children and Families, *Abuse Hotline*, <http://www.dcf.state.fl.us/service-programs/abuse-hotline/> (last visited Mar. 25, 2019).

⁶ Section 39.201(4), F.S.

⁷ Florida Department of Children and Families, *Abuse Hotline*, <http://www.dcf.state.fl.us/service-programs/abuse-hotline/> (last visited Mar. 25, 2019).

⁸ Office of Program Policy Analysis and Government Accountability, *Service Model Slowly Adapting for Community CSE Victims; Limited Progress in Less Restrictive Placements for Dependent CSE Victims* (Report No. 18-05, June 2018) available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1805rpt.pdf>, at 2.

⁹ Approximately 92 percent for the reports were for sexual exploitation, and 7 percent were for labor. Florida Attorney General, Statewide Council on Human Trafficking, *Annual Report 2018*, available at [http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/\\$file/HTAnnualReport2018Web.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/$file/HTAnnualReport2018Web.pdf), at 8.

¹⁰ Florida Department of Children and Families, *Annual Human Trafficking Report, 2017-2018 State Fiscal Year* (Oct. 2018), available at <http://www.dcf.state.fl.us/programs/childwelfare/docs/2018LMRs/Annual%20Human%20Trafficking%20Report%202017-2018%20State%20Fiscal%20Year.pdf>, at 3.

Education

Required Instruction in Schools

Florida law specifies required coursework and instruction for public school students. Specifically, each district school board must provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.¹¹

Instructional staff of public schools, subject to the rules of the SBE and the district school board, must provide instruction in specified areas such as:¹²

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- The elements of civil government.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- Kindness to animals.
- The history of the state.
- Comprehensive health education.
- A character-development program in kindergarten through grade 12.

Comprehensive health education currently addresses 12 component areas. Eleven of the components are delivered in kindergarten through grade 12,¹³ and include: concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. Instruction related to teen dating violence is offered in grades 7-12 only.¹⁴

The law encourages the SBE to adopt standards and pursue assessment relating to the required instructional content.¹⁵

Human Trafficking Instruction and Awareness in Schools

The Florida Department of Education has provided training and resources for all school personnel via webinars, professional development events, and in-person trainings on the issue of

¹¹ Section 1003.42(1), F.S.

¹² Section 1003.42(2), F.S.

¹³ Florida Department of Education, *2019 Agency Analysis for HB 259* (1/22/2019), at 2.

¹⁴ Section 1003.42(2)(n), F.S.

¹⁵ *Id.*

sex trafficking.¹⁶ Training for teachers regarding human trafficking is provided as part of ongoing health education provided free-of-charge by DCF and other state agencies.¹⁷ In addition, to address the task of training students on the issue of human trafficking, Brevard, Broward, Miami-Dade, Duval, Hillsborough, Orange, Palm Beach, and Pinellas county school districts developed and piloted human trafficking education lessons to be integrated in health education during the 2017-18 school year.¹⁸ In 2018, more than 30 school districts prepared for a statewide requirement to include human trafficking in comprehensive health education, and 22 have continued plans on a local level.¹⁹

III. Effect of Proposed Changes:

SB 982 amends s. 1003.42, F.S., regarding required instruction in the public school system. The revisions modify the required comprehensive health education instruction to include the dangers and signs of human trafficking, and must also include, but is not limited to:

- Information on the warning signs of human trafficking;
- Terms used by traffickers;
- Red flags that would indicate a trafficker's malicious intent toward a student;
- Websites that are popular with traffickers; and
- Details on how a student may get help.

The bill authorizes a student to opt out of the human trafficking portion of health education instruction by providing the school with a written note from his or her parent.

The bill also requires the Department of Legal Affairs (DLA), subject to legislative appropriations, to:

- Develop campaigns to increase awareness of human trafficking, particularly among children and other potentially vulnerable populations. The bill specifies that such campaigns may include:
 - Information concerning approaches used by traffickers;
 - Warning signs of trafficking; and
 - Inappropriate behaviors that should be reported.
- Develop and operate a toll-free hotline to receive reports of potential human trafficking incidents. The bill requires the DLA to promptly provide all credible reports to appropriate law enforcement agencies for investigation and disposition.

The requirements for the DLA regarding human trafficking awareness appear to align with ongoing efforts of the Florida Attorney General's office, which include anti-human trafficking campaigns and support for the Statewide Council on Human Trafficking.²⁰ It is unclear,

¹⁶ Florida Attorney General, Statewide Council on Human Trafficking, *Annual Report 2018*, available at [http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/\\$file/HTAnnualReport2018Web.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/$file/HTAnnualReport2018Web.pdf), at 22.

¹⁷ Florida Department of Education, *2019 Agency Analysis of HB 259* (Jan. 22, 2019), at 3.

¹⁸ Florida Attorney General, Statewide Council on Human Trafficking, *Annual Report 2018*, available at [http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/\\$file/HTAnnualReport2018Web.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MVIS-B8JT3C/$file/HTAnnualReport2018Web.pdf), at 22.

¹⁹ *Id.* at 23.

²⁰ The Statewide Council on Human Trafficking, within the Department of Legal Affairs, was created in 2014 for the purpose of enhancing the development and coordination of state and local law enforcement and social services responses to fight commercial sexual exploitation as a form of human trafficking and to support victims. Section 16.617, F.S.

however, if the requirement for the DLA to establish a hotline to receive reports of human trafficking is intended as another hotline option to be operated by the office of the Florida Attorney General, in addition to the child abuse hotline operated by the Department of Children and Families.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Legal Affairs may incur costs associated with developing additional awareness campaigns and a toll-free hotline.²¹

VI. Technical Deficiencies:

None.

²¹ Florida Department of Education, *2019 Agency Analysis of HB 259* (Jan. 22, 2019), at 4.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.42 of the Florida Statutes.
This bill creates an unnumbered section of law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Thurston) recommended the following:

Senate Amendment (with title amendment)

Delete lines 61 - 74
and insert:

Section 2. Human trafficking awareness campaigns.—The Department of Legal Affairs shall, subject to legislative appropriations, develop campaigns to increase awareness of human trafficking, particularly among children and other potentially vulnerable populations. Such campaigns may include information concerning approaches used by traffickers, warning signs of trafficking, and inappropriate behaviors that should be



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12 reported.

13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete lines 10 - 15

17 and insert:

18 campaigns; providing an effective date.

By Senator Thurston

33-00528A-19

2019982__

A bill to be entitled

An act relating to human trafficking education in schools; amending s. 1003.42, F.S.; revising the required health education in public schools to include information regarding the dangers and signs of human trafficking; authorizing a student to opt out of a specified portion of the health education under certain circumstances; requiring the Department of Legal Affairs to develop human trafficking awareness campaigns; requiring the department to develop and operate a hotline to receive reports of potential human trafficking activity; requiring the department to provide certain reports to appropriate law enforcement agencies for investigation and disposition; providing an effective date.

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

Section 1. Paragraph (n) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

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

(n) Comprehensive health education that addresses concepts

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of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; the dangers and signs of human trafficking; nutrition; personal health; prevention and control of disease; and substance use and abuse. The health education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse. The human trafficking education portion of the health curriculum must include, but is not limited to, information on the warning signs of human trafficking, terms used by traffickers, red flags that would indicate a trafficker's malicious intent toward a student, websites that are popular with traffickers, and details on how a student may get help. A student may elect to opt out of the instruction of the human trafficking portion of the health education by providing the school with a written note from his or her parent.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or

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33-00528A-19

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59 other schoolwide character building and veteran awareness
60 initiative meets the requirements of paragraphs (s) and (t).

61 Section 2. Human trafficking awareness campaigns; hotline.
62 The Department of Legal Affairs shall, subject to legislative
63 appropriations:

64 (1) Develop campaigns to increase awareness of human
65 trafficking, particularly among children and other potentially
66 vulnerable populations. Such campaigns may include information
67 concerning approaches used by traffickers, warning signs of
68 trafficking, and inappropriate behaviors that should be
69 reported.

70 (2) Develop and operate a toll-free hotline to receive
71 reports of potential human trafficking incidents. The department
72 shall promptly provide all such reports deemed to be credible to
73 appropriate law enforcement agencies for investigation and
74 disposition.

75 Section 3. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1164

INTRODUCER: Senators Gainer and Perry

SUBJECT: Postsecondary Fee Waivers

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1164 authorizes certain Florida College System (FCS) institutions to waive out-of-state fees for students under certain conditions for the purpose of recruiting students. Specifically, the bill provides that:

- An FCS institution that serves counties directly impacted by a hurricane, and whose enrollment decreases by more than 10 percent as a result of such impact, may waive the out-of-state fees for a period of 3 years after the hurricane first made landfall.
- A student who qualifies for the hurricane-related out-of-state fee waiver is eligible to receive the waiver for up to 110 percent of the number of credit hours required for the degree or certificate program in which the student is enrolled. The bill specifies that such student may not disenroll from the FCS institution for two or more consecutive semesters.
- Each FCS institution must report to the State Board of Education the number and value of all hurricane-related out-of-state fee waivers granted annually.

The bill takes effect July 1, 2019.

II. Present Situation:

The Florida Legislature has enacted laws to make public postsecondary education more accessible and affordable in the state. For instance, Florida law extends fee waivers to students who meet specified conditions.¹ Some fee waivers are mandatory,² while others are permissive.³ For instance:

- A state university, a Florida College System (FCS) institution, a career center operated by a school district, or a charter technical career center must waive tuition for undergraduate

¹ Section 1009.26, F.S.

² *Id.*, at (5), (7)-(8), (12)-(14).

³ *Id.*, at (1)-(4), (6), (9)-(11), and (15).

college credit programs and career certificate programs for each recipient of a Purple Heart or another combat decoration superior in precedence if the recipient meets the criteria specified in law.⁴

- An FCS institution may waive any portion of the tuition, the activity and service fee, the financial aid fee, the technology fee, the capital improvement fee, and distance learning fee for the purpose of offering a baccalaureate degree for state residents for which the specified cost of tuition and the fees does not exceed \$10,000 for the entire degree program. The waivers provided must be applicable for upper-level courses not to exceed 100 percent of the number of required credit hours of the baccalaureate degree program for which the student is determined eligible.⁵

“Tuition” means the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.⁶ “Out-of-state fee” means the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate pursuant to Florida law.⁷

Florida law specifies the criteria that a student must meet to be classified as Florida resident for tuition purposes.⁸ A student who is determined to be Florida resident for tuition purposes qualifies for the in-state tuition rate.⁹ Such student may also qualify for state financial aid awards and tuition assistance grants if he or she meets the criteria specified in law for such awards and grants.¹⁰ A nonresident student for tuition purposes does not qualify for the in-state tuition rate.¹¹ Accordingly, such student is responsible for paying the out-of-state fee.

III. Effect of Proposed Changes:

SB 1164 authorizes certain Florida College System (FCS) institutions to waive out-of-state fees for students under certain conditions for the purpose of recruiting students. Specifically, the bill provides that:

- An FCS institution that serves counties directly impacted by a hurricane, and whose enrollment decreases by more than 10 percent as a result of such impact, may waive the out-of-state fees for a period of 3 years after the hurricane first made landfall.
- A student who qualifies for the hurricane-related out-of-state fee waiver is eligible to receive the waiver for up to 110 percent of the number of credit hours required for the degree or certificate program in which the student is enrolled. The bill specifies that such student may not disenroll from the FCS institution for two or more consecutive semesters.

⁴ Section 1009.26(8), F.S.

⁵ *Id.*, at (11).

⁶ Section 1009.01(1), F.S.

⁷ *Id.*, at (2). For advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs, the standard tuition is \$71.98 per credit hour for residents and nonresidents, and the out-of-state fee is \$215.94 per credit hour. For baccalaureate degree programs, the tuition is \$91.79 per credit hour for students who are residents for tuition purposes. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes must be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the Florida College System institution. Section 1009.23(3), F.S.

⁸ Section 1009.21, F.S.

⁹ *Id.*, at (1)(g).

¹⁰ Section 1009.40, F.S.

¹¹ Section 1009.21(1)(e), F.S.

- Each FCS institution must report to the State Board of Education the number and value of all hurricane-related out-of-state fee waivers granted annually.

The out-of-state fee waiver may assist an FCS institution that experiences more than 10 percent dip in student enrollment owing to a hurricane impact recruit students from out of state. Additionally, the out-of-state fee waiver may help make earning a certificate or degree more affordable for non-Florida resident students enrolled at an FCS institution if the institution waives the out-of-state fee for such students for the specified period of time.

The most recent hurricane that impacted Florida was Hurricane Michael that made landfall on October 10, 2018 near Mexico Beach, Florida.¹² Hurricane Michael affected the following counties: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Wakulla, Walton, and Washington.¹³

The following FCS institutions serve the counties impacted by Hurricane Michael:

- Chipola College, which serves Calhoun, Holmes, Jackson, Liberty, and Washington counties.¹⁴
- Gulf Coast State College, which serves Bay, Franklin, and Gulf counties.¹⁵
- North Florida Community College, which serves Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor counties.¹⁶
- Tallahassee Community College, which serves Gadsden, Leon, and Wakulla counties.¹⁷

Florida College System institutions serving counties in the Hurricane Michael affected areas reported the following enrollment changes:

- Chipola College – No significant change in student enrollment during the fall 2018 semester. For the spring 2019 semester, the overall student enrollment changes were not provided. However, the institution reported a 4.7 percent enrollment decrease for Advanced & Professional, Postsecondary Vocational, and developmental education. For lower-level credit hour (associate degree) programs, student enrollment decreased between 10.10 percent and 30.92 percent compared to the spring 2018 semester.¹⁸
- Gulf Coast State College – An 8 percent decrease in student enrollment during the fall 2018 semester, a 16 percent decrease during the spring 2019 semester, and a projected 18 percent decrease during the 2019-2020 academic year.¹⁹
- North Florida Community College – No significant change in student enrollment.²⁰
- Tallahassee Community College – No change in student enrollment.²¹

¹² Office of the Governor, *Executive Order Number 18-360*, available at https://www.flgov.com/wp-content/uploads/orders/2018/EO_18-360.pdf.

¹³ *Id.*

¹⁴ Section 1000.21(3)(d), F.S.

¹⁵ *Id.*, at (i).

¹⁶ *Id.*, at (p).

¹⁷ *Id.*, at (aa).

¹⁸ Florida House of Representatives, *Staff Analysis of HB 593*, at 2. HB 593 is identical to SB 1164.

¹⁹ Telephone interview with staff from Gulf Coast State College (March 29, 2019).

²⁰ Florida House of Representatives, *Staff Analysis of HB 593*, at 2.

²¹ Telephone interview with staff from Tallahassee Community College (March 29, 2019).

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Students who are not classified as Florida residents for tuition purposes may experience a cost savings through the hurricane-related out-of-state fee waiver.

C. Government Sector Impact:

The bill authorizes Florida College System (FCS) institutions that serve counties directly impacted by a hurricane, and whose enrollment decreases by more than 10 percent as a result of such impact, may waive the out-of-state fees for a period of 3 years after the hurricane first made landfall. The out-of-state fee waiver may result in a loss of revenue for such FCS institutions. However, the bill may also help such FCS institutions recruit students from out of state. Accordingly, the potential fiscal impact of the fee waiver is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the section 1009.26 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Gainer

2-01166A-19

20191164__

A bill to be entitled

An act relating to postsecondary fee waivers; amending s. 1009.26, F.S.; authorizing certain Florida College System institutions serving counties directly impacted by a hurricane to waive out-of-state fees for students for a specified time period; providing reporting requirements; providing an effective date.

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

Section 1. Subsection (16) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(16) A Florida College System institution that serves counties directly impacted by a hurricane, and whose enrollment decreases by more than 10 percent as a result of such impacts, is authorized to waive out-of-state fees for a period of 3 years after the hurricane first made landfall for the purpose of recruiting students.

(a) A student who qualifies for the waiver under this subsection is eligible to receive the waiver for up to 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled. However, he or she may not disenroll from the institution for two or more consecutive semesters.

(b) Each Florida College institution shall report to the State Board of Education the number and value of all fee waivers granted annually under this subsection.

Section 2. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1296

INTRODUCER: Senator Diaz

SUBJECT: Organization and Operation of State Universities

DATE: March 25, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1296 modifies requirements relating to Board of Governors (BOG) oversight of the State University System (SUS) and to the operation of state universities. Specifically the bill:

- Requires the BOG to, by September 1 of each year, report on the intellectual freedom and viewpoint diversity at each state university, based on the results of each state university's annual survey of students, faculty, and administrators.
- Requires the BOG to match individual student information with state, federal, and Department of Economic Opportunity data sources for auditing and evaluation purposes.
- Modifies the SUS performance-based incentive to:
 - Establish metrics relating to 2+2 transfer students, students with excess hours, and six-year graduation rates.
 - Require benchmarks be set using 2018-2019 fiscal year data.
 - Revise the allocation methodology for the state's investment.
- Requires the BOG Office of Inspector General to annually verify data in the performance-based incentive and preeminent state research university programs.
- Applies restrictions on the transfer of state appropriations to a state university direct-support organizations (DSO) to include the DSO not-for-profit subsidiaries and affiliates, and
 - Applies requirements relating to board of trustee appointments to DSO boards and the transfer of state appropriations to include specified University of Florida health DSOs.
- Requires a reverse transfer agreement for Florida College System institution students who transfer to a state university before earning an associate in arts degree.
- Requires the University of South Florida (USF) St. Petersburg and USF Sarasota/Manatee to maintain branch campus status after the consolidation of accreditation with USF.
- Requires the BOG legislative budget request to include information about the ratio of students to faculty and administrators, and specifies growth requirements.

The bill takes effect July 1, 2019.

II. Present Situation:

Powers and Duties of the Board of Governors

The Board of Governors of the State University System (BOG) is required to operate, regulate, control, and be fully responsible for the management of the whole university system.¹

Board of Governors Powers and Duties Relating to Organization and Operation of State Universities

Florida law requires the BOG to exercise authority over state university organization and operations, including, but not limited to, information systems, sponsored research, direct-support organizations, academic programs, student and student organization conduct, and purchasing.²

Intellectual Freedom and Viewpoint Diversity

The Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC) requires member institutions to preserve intellectual and academic freedom.³ The SACSCOC asserts that “[t]he essential role of institutions of higher education is the pursuit and dissemination of knowledge. Academic freedom respects the dignity and rights of others while fostering intellectual freedom of faculty to teach, research, and publish. Responsible academic freedom enriches the contributions of higher education to society.”⁴

The 2017 National Survey of Student Engagement⁵ revealed that most students surveyed (64 percent) felt that postsecondary coursework generally respected the expression of diverse ideas, and that the postsecondary institution generally demonstrated a commitment to diversity (71 percent). This was reflected when specific forms of diversity were considered, such as gender, religious affiliation, or disability status. However, when political affiliation was considered, only half of students surveyed felt their postsecondary institution was generally supportive of different political ideas.⁶

Board of Governors Powers and Duties Relating to Accountability

The BOG is required to develop a strategic plan specifying goals and objectives for the State University System (SUS) and each constituent university, including each university’s contribution to overall system goals and objectives.⁷ The BOG must also develop an accountability plan for the SUS and each constituent university. The accountability plan must address institutional and system achievement of goals and objectives specified in the strategic

¹ Art. IX, Sec. 7(d), Fla. Const.

² Section 1001.706(3), F.S.

³ Southern Association of Colleges and Schools, *The Principles of Accreditation: Foundations for Quality Enhancement* (Dec. 2017), available at <http://www.sacscoc.org/pdf/2018PrinciplesOfAccreditation.pdf>, at principles 6.1 and 6.4.

⁴ Southern Association of Colleges and Schools, *Resource Manual for the Principles of Accreditation: Foundations for Quality Enhancement* (2018), available at <http://www.sacscoc.org/pdf/2018%20POA%20Resource%20Manual.pdf>, at 53.

⁵ National Survey of Student Engagement, *2017 Topical Module: Inclusiveness and Engagement with Cultural Diversity*, available at http://nsse.indiana.edu/2017_institutional_report/pdf/Modules/NSSE17%20Module%20Summary-Inclusiveness%20and%20Engagement%20with%20Cultural%20Diversity.pdf.

⁶ *Id.*

⁷ Section 1001.706(5)(b), F.S.

plan and must be submitted as part of its legislative budget request.⁸ To support such plans, the BOG is required to maintain an effective information system to provide accurate, timely, and cost-effective information about each university.⁹

The Office of Inspector General

The BOG Office of Inspector General¹⁰ (OIGC) is organized to promote accountability, efficiency, and effectiveness and to detect fraud and abuse within state universities. The OIGC has three functional responsibilities: audit, investigations, and compliance.¹¹ OIGC duties include, but are not limited to:¹²

- Advising in the development of performance measures, standards, and procedures for the evaluation of state agency programs.
- Assessing the reliability and validity of the information provided by the state agency on performance measures and standards, and making recommendations for improvement, if necessary.

Performance Funding

State University System Performance-Based Incentive

The SUS Performance-Based Incentive is awarded to state universities using performance-based metrics that are identified in law,¹³ adopted by the BOG,¹⁴ and include the following:¹⁵

- Percent of bachelor's graduates employed (earning \$25,000+) or continuing their education.
- Median wages of bachelor's graduates employed full-time.
- Average cost to the student (net tuition per 120 credit hours).
- Four-year graduation rate (Full-time, first-time-in-college students).
- Academic progress rate (2nd year retention with GPA above 2.0).
- Bachelor's degrees awarded in areas of strategic emphasis.
- University access rate (percent of undergraduates with a Pell-grant).
- Graduate degrees awarded in areas of strategic emphasis – all institutions but New College of Florida (NCF).
- Freshman in the top 10 percent of graduating high school class – for NCF only.
- BOG choice - percent of bachelor's degrees without excess hours.
- University board of trustees (BOT) choice.

⁸ Section 1001.706(5)(c), F.S.

⁹ Section 1001.706(5)(e), F.S.

¹⁰ The office is chartered as the Office of Inspector General and Director of Compliance (OIGC). Board of Governors, *Charter: Office of Inspector General and Director of Compliance* (June 18, 2009), available at https://www.flbog.edu/board/office/ig/_doc/OIGC_Charter_FINAL.pdf.

¹¹ *Id.* at 4.

¹² Section 20.055(2)(a) and (b), F.S.

¹³ Section 1001.92(1), F.S.

¹⁴ Section 1001.92(1), F.S.

¹⁵ Board of Governors, *Performance Funding Model Overview*, available at https://www.flbog.edu/board/office/budget/_doc/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf.

The performance of an institution is evaluated based on benchmarks adopted by the BOG for each metric. For each fiscal year, the amount of funds available for allocation to SUS institutions consists of the state's investment, plus the institutional investment from each institution's base budget, as determined in the General Appropriations Act.¹⁶ While specific requirements are specified in law for universities to receive the institutional investment, discretion is given to the BOG to set the allocation methodology for the universities to receive the state's investment.¹⁷

For 2018-2019, state universities are evaluated based on excellence or improvement in each metric, with benchmarks ranging from low (1 point) to high (10 points). The state investment is allocated based on a 100-point scale, and each state university is required to earn more than 50 points to receive the state investment. A state university that does not earn more than 50 points, or a state university that is one of the three lowest scoring universities, will not receive any of the state investment. A state university that has earned 50 points and is not one of the lowest three scoring institutions will receive the state investment funds proportional to their existing base funds, with the highest scoring universities eligible for additional state investment funds.¹⁸

For 2019-2020, the BOG modified its allocation methodology, but maintained the 100-point scale, and the threshold of more than 50 points to earn the institutional investment. The modifications establish a new methodology for an institution to receive the state investment, as follows:

- All institutions may be eligible for the state investment, subject to conditions, which eliminates the provision that excludes the three lowest scoring universities from receiving any of the state investment.
- Institutions that receive 100 percent of their proportional share of the state investment include:
 - Institutions with the highest three scores, including any ties.
 - All institutions with a score the same or higher as the previous year.
 - Any institution with a score less than the previous year but the previous year's score was higher or the same than the year before.
- Any institution with a score the same or lower than the previous year's score for two consecutive years must submit a student success plan to the BOG.
 - If the student success plan is approved by the BOG the institution receives up to 50 percent of its state's investment at the time of approval.
 - If the BOG determines, after monitoring progress on the plan, that the institution is making satisfactory progress on implementing the plan, the institution receives up to the balance of its state's investment.
 - An institution that fails to make satisfactory progress does its full state's investment restored, and any state investment funds remaining are distributed to the top three scoring institutions (including ties).
- Beginning with the Fiscal Year 2021-2022 appropriation, any institution with a score lower than 70 points must submit a student success plan to the BOG for consideration at its

¹⁶ BOG Regulation 5.001(3).

¹⁷ Florida Board of Governors, *2019 Agency Analysis for SB 1926* (Mar. 14, 2019), at 3.

¹⁸ https://www.flbog.edu/board/office/budget/_doc/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf, at 2.

August/September meeting to be eligible for 50 percent of its proportional amount of the state's investment.

- If the student success plan is approved by the BOG, the institution receives up to 25 percent of its state's investment at the time of approval.
- If the BOG, after monitoring progress on the plan, determines that the institution is making satisfactory progress on implementing the plan, the institution receives up to the balance of its state's investment (up to 50 percent of the state's investment).
- Any institution that fails to make satisfactory progress will not have its 50 percent of the state's investment restored, and any state investment funds remaining are distributed to the top three scoring institutions (including ties).

To provide assurance that the data submitted for this process is reliable, accurate, and complete, the BOG developed a Data Integrity Certification process in June 2014. University presidents and BOT were directed to provide for an audit of the state university's processes to ensure the completeness, accuracy, and timeliness of data submissions to the BOG. Audits must be submitted to the BOG for its March meeting.¹⁹

Preeminent State Research Universities Program

The preeminent state research universities program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida.²⁰ A state university that meets 11 of the 12 academic and research excellent standards specified in law²¹ is designated a “preeminent state research university.”²² Currently, the University of Florida, Florida State University, and the University of South Florida are designated as preeminent state research universities.²³

A state university that meets at least 6 of the 12 academic and research excellence standards is identified as an “emerging preeminent state research university.”²⁴ Currently, the University of Central Florida is designated as an emerging preeminent state research university.²⁵

¹⁹ Board of Governors, *Performance Based Funding Model—Data and Methodology*, https://www.flbog.edu/board/office/budget/performance_funding.php (last visited Mar. 9, 2019).

²⁰ Section 1001.7065(1), F.S.

²¹ Section 1001.7065(2), F.S. The standards include: incoming freshman academic characteristics (average weighted GPA and average SAT score); institutional ranking nationally; freshman retention rate; 6-year graduation rate; national academy membership of institution faculty; research expenditures and patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.

²² Section 1001.7065(3)(a), F.S.

²³ Board of Governors, *2018 System Accountability Plan* (June 28, 2018), available at https://www.flbog.edu/board/doc/accountabilityplan/ap_2018/2018_System_Accountability_Plan_FINAL_2018-06-28.pdf, at 9.

²⁴ Section 1001.7065(3)(b), F.S.

²⁵ Board of Governors, *2018 System Accountability Plan* (June 28, 2018), available at https://www.flbog.edu/board/doc/accountabilityplan/ap_2018/2018_System_Accountability_Plan_FINAL_2018-06-28.pdf, at 9.

State University Direct-Support Organizations

A state university direct-support organization (DSO) is:²⁶

- A Florida corporation not-for-profit, incorporated under the provisions of chapter 617, and approved by the Department of State;
- Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, a state university; and
- An organization reviewed and certified by the state university board of trustees (BOT) to be operating in a manner consistent with the goals of the college or university and in the best interest of the state.

A state university BOT, in accordance with regulations and guidelines of the BOG, must specify conditions for a university DSO to use property, facilities, or personal services at any university. Such conditions must provide for budget and audit review and oversight by the BOT, including thresholds for approval of purchases, acquisitions, projects, and issuance of debt. No later than July 1, 2019, the transfer of a state appropriation by the BOT to any DSO may only include funds pledged for capital projects. Beginning July 1, 2019, and annually thereafter, each university BOT must report to the Legislature the amount of state appropriations transferred to any DSO during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.²⁷

University of Florida – Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc.

Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and its parent, Shands Jacksonville HealthCare, Inc., are private not-for-profit corporations organized for the primary purpose of supporting the University of Florida BOT's health affairs mission of community service and patient care, education and training of health professionals, and clinical research.²⁸

Statewide Articulation Agreement – Reverse Transfer

In fall, 2017, 16,312 FCS students transferred to a state university, but 4,589 transferred without a degree.²⁹

Statewide Articulation Agreement

The SBE and the BOG are required to enter into a statewide articulation agreement. The agreement must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across and among Florida's educational entities.³⁰ The agreement

²⁶ Section 1004.28(1)(a), F.S. Each of the 12 state universities has at least one direct-support organization (DSO). State University System of Florida, *University Direct-Support Organizations*, July 2016, available at http://www.flbog.edu/pressroom/doc/DSO_Info_Brief_with_Attachments.pdf.

²⁷ Section 1004.28(2)(b), F.S.

²⁸ Section 1004.41(4)(a) and (5)(a), F.S.

²⁹ Florida Board of Governors, *Florida College System Students Transferring into the State University System, Fall 2017* (Table 9), available at https://www.flbog.edu/resources/factbooks/2017-2018/xls/t09_00_1718_F.xlsx.

³⁰ Section 1007.23(1), F.S.

requires state university boards of trustees, Florida College System (FCS) BOT, and district school boards to adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.³¹

Reverse Transfer

Reverse transfer is the process of retroactively granting associate degrees to students who complete the requirements of an associate degree after they transferred from a two- to a four-year institution. Once the student reaches the designated credits and requirements, they are retroactively awarded an associate degree from their two-year institution of origin.³²

In 2012, Florida and 15 states joined the Credit When It's Due³³ initiative and developed policies to implement reverse transfer agreements between public colleges and universities. From 2013 to 2016, FCS institution and state university participation in the program resulted in the award of 316 reverse transfer associate in arts (AA) degrees.³⁴

University of South Florida Consolidation

Currently, the University of South Florida St. Petersburg (USFSP) and the University of South Florida Sarasota/Manatee (USFSM) are maintained as separate organizational and budget entities, with separate accreditation, from the University of South Florida (USF).³⁵

In 2018,³⁶ legislation established a process for the termination of separate accreditation for USFSP and USFSM. The USFSP and USFSM campuses were required to have a campus board and a regional chancellor, each with specified duties. A USF Consolidation Planning Study and Implementation Task Force (task force) was created to develop recommendations to improve service to students by phasing out separate accreditation for the USFSP and USFSM campuses. The task force was required to submit by February 15, 2019, a report to the USF BOT with recommendations on specified issues. The USF was required to adopt and submit a plan, by March 15, 2019, to the BOG that establishes a timeline to terminate the separate accreditation for the USFSP and USFSM campuses by June 30, 2020.³⁷

³¹ Rule 6A-10.024(1), F.A.C.

³² Education Commission of the States, *Reverse Transfer: What is the Best Route to Take?* (Sept. 2015), available at <https://www.ecs.org/wp-content/uploads/12112.pdf>. Florida law also authorizes students at state universities to request an AA degree if they have successfully completed the minimum requirements for an AA degree. The state university must award the student an AA degree if the student has successfully completed specified requirements. Section 1007.25(11), F.S.

³³ The Credit When It's Due (CWID) initiative is a national grant program designed to facilitate the implementation and improve the process of "reverse transfer" degree programs. As explained in the CWID grant announcement, "The initiative is designed to encourage partnerships of community colleges and universities to significantly expand programs that award associate degrees to transfer students when students complete the requirements for the associate degree while pursuing a bachelor's degree."

³⁴ Jason L. Taylor & Eden Cortes-Lopez, *Reverse Credit Transfer: Increasing State Associate's Degree Attainment* (April 2017), available at <https://degreeswhendue.com/wp-content/uploads/2018/09/Taylor-Cortes-Lopez-2017.pdf>.

³⁵ Sections 1004.33 and 1004.34, F.S.

³⁶ Section, ch. 2018-4, L.O.F., codified as s. 1004.335, F.S.

³⁷ Section 1004.335, F.S. By July 1, 2020, the entirety of the USF, including all campuses and other component units of the university, will operate under a single institutional accreditation from the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). *Id.* at (5)(c).

State University Ratios of Students to Faculty and Administration

The BOG is required to report as part of its legislative budget request the actual expenditures for each state university for the fiscal year ending the previous June 30 as a part of its legislative budget request (LBR).³⁸

From 2010 to 2016, the number of state university staff with administrative duties increased at a faster rate than that of students and faculty.³⁹ During that same period the ratio of students to faculty rose from 28:1 to 29:1. The number of students to administrators decreased from 2010-2014 (meaning the number of administrators was growing faster than the number of students, from a ratio of 28:1 in 2010 to 24:1 in 2014). However, because of a subsequent increase from 2014 to 2016, the overall ratio from 2010 to 2016 remained unchanged at 28:1.⁴⁰

III. Effect of Proposed Changes:

SB 1296 modifies requirements relating to the Board of Governors (BOG) oversight of the State University System (SUS) and to the operation of state universities. Specifically the bill:

- Requires the BOG to, by September 1 of each year, report on the intellectual freedom and viewpoint diversity at each state university, based on the results of each state university's annual survey of students, faculty, and administrators.
- Requires the BOG to match individual student information with state, federal, and Department of Economic Opportunity data sources for auditing and evaluation purposes.
- Modifies the SUS performance-based incentive to:
 - Establish metrics relating to 2+2 transfer students, students with excess hours, and six-year graduation rates.
 - Require benchmarks be set using 2018-2019 fiscal year data.
 - Revise the allocation methodology for the state's investment.
- Requires the BOG Office of Inspector General (OIG) to annually verify data in the performance-based incentive and preeminent state research university programs.
- Applies restrictions on the transfer of state appropriations to a state university direct-support organizations (DSO) to include the DSO not-for-profit subsidiaries and affiliates, and
 - Applies requirements relating to board of trustee appointments to DSO boards and the transfer of state appropriations to include specified University of Florida health DSOs.
- Requires a reverse transfer agreement for Florida College System (FCS) institution students who transfer to a state university before earning an associate in arts (AA) degree.
- Requires the University of South Florida (USF) St. Petersburg and USF Sarasota/Manatee to maintain branch campus status after the consolidation of accreditation with USF.
- Requires the BOG legislative budget request to include information about the ratio of students to faculty and administrators, and specifies growth requirements.

³⁸ Section 1011.90(4), F.S.

³⁹ Office of Program Policy and Government Accountability, *OPPAGA Research on State University System Administrative Positions and Salaries*, House Higher Education Appropriations Subcommittee, Mar. 14, 2017. During that time, the increase in students was 9 percent, faculty was 6 percent, and administrators was 12 percent. *Id.*

⁴⁰ *Id.*

Powers and Duties of the Board of Governors

Board of Governors Powers and Duties Relating to Organization and Operation of State Universities

The bill amends s. 1001.706, F.S., to require the BOG to report, by September 1 of each year,⁴¹ on the intellectual freedom and viewpoint diversity at each institution through an objective, nonpartisan, and statistically valid survey that enables comparison among institutions over time. The bill also requires each state university to conduct an annual survey of students, faculty, and administrators that assesses the extent to which competing ideas, perspectives, and claims of truth are presented and members of the university community feel safe and supported in exploring and articulating their beliefs and viewpoints on campus and in the classroom.

Board of Governors Powers and Duties Relating to Accountability

The bill amends s. 1001.706, F.S., to also require the BOG to match individual student information with information from state and federal agencies that maintain educational and employment records and to enter into an agreement with the Department of Economic Opportunity (DEO) that allows access to individual reemployment assistance wage reports maintained by the DEO. The agreement must protect individual privacy and provide that student information obtained through the agreement may be used only for the purposes of auditing and evaluating higher education programs offered by state universities.

Currently, to match student data with employment data, the BOG supplies data sets to the Florida Education and Training Placement Information Program (FETPIP)⁴² and requests that data be matched with employment information provided by the Florida Department of Economic Opportunity (DEO) at the student level. BOG staff have indicated that the process for requests and negotiation of data sharing agreements can be very time-intensive.⁴³ The proposed change would require and allow the BOG to independently access DEO employment data and perform student-level matching analyses on demand and as-needed. This would provide BOG staff with more control over the timing and quality of data availability to stakeholders and interested parties as well as an enhanced ability to actively monitor and analyze the relevant data as it applies to student and university performance.⁴⁴

Performance Funding

SUS Performance-Based Incentive

The bill amends s. 1001.92, to modify the performance-based metrics and the allocation methodology for distribution of the state's investment.

⁴¹ The effective date of the bill is July 1, 2019, it is unclear if the first report would be required by September 1, 2019.

⁴² The Florida Education and Training Placement Information Program (FETPIP) is a data collection and consumer reporting system established to provide follow-up data on former students and program participants who have graduated, exited or completed a public education or training program within the State of Florida. Section 1008.39, F.S.

⁴³ Florida Board of Governors, *2019 Agency Analysis for SB 1926* (Mar. 14, 2019), at 3. Two of the Board's ten Performance Based Funding Metrics (Percent of Bachelor's Graduates Employed (Earning \$25,000+) or Continuing their Education and Median Wages of Bachelor's Graduates Employed Full-time) utilize post-graduation data and currently rely on this external matching process to calculate the distribution of funding. *Id.*

⁴⁴ Florida Board of Governors, *2019 Agency Analysis for SB 1926* (Mar. 14, 2019), at 4-5.

The bill modifies the performance metrics for the SUS performance-based incentive by:

- Adding a 2-year graduation rate for full-time 2+2 associate degree transfer students from FCS institutions.
- Adding a percentage of students graduating without excess hours.
- Modifying the access rate to a 6-year graduation rate for students eligible for a Pell Grant compared with students not eligible for a Pell Grant, with points deducted for decreases in the enrollment of students who are eligible for a Pell Grant.
- Specifying that benchmarks and data may not be adjusted after the BOG receives performance data.⁴⁵

Currently the BOG has specified eight performance metrics, with the remaining two metrics a BOG choice and university BOT choice. The bill specifies nine performance metrics. Therefore, if the BOG were to maintain a BOG-choice metric, and a university BOT-approved metric in addition to the specified metrics in the bill, this would result in 11 metrics. Maintaining the 100-point scale may require removal of one currently-approved metric, or lowering the maximum score for each metric.⁴⁶

Such changes to the performance metrics may prompt state universities to increase their focus on encouraging FCS transfer students to complete their degree programs in two years. Universities may also increase their focus on encouraging Pell Grant students to complete their degree programs in six years.⁴⁷

The bill modifies the institutional investment allocation by:

- Requiring the BOG to use data from the 2018-2019 fiscal year to establish baseline scores for each state university.
- Providing that institutions that meet minimum institutional investment eligibility thresholds may be eligible for the state investment.

The bill maintains a 100-point scale to evaluate the state universities, but modifies the allocation methodology for universities to be eligible for their share of the state's investment. The bill specifies that, using baseline data from the 2018-2019 fiscal year:

- The state universities with the three highest scores (including ties) receive 100 percent of their allocation of state investment.
- A university that maintains or increases its score over the last year receives 100 percent of its allocation of the state investment.
- A university with a lower score than the previous year, but its previous year's score was equal to or higher than the year before, receives 100 percent of its allocation of the state investment.
- If a university's score stays the same or decreases for 2 consecutive years, the university may receive up to 100 percent of its allocation of the state investment after presenting and completing a student success plan. Specifically:

⁴⁵ In its analysis, the BOG notes that data for the benchmarks will be received by the BOG in March 2019. With an effective date of the bill of July 1, 2019, the benchmarks would need to be adjusted after those performance data are received. Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 7.

⁴⁶ Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 5.

⁴⁷ Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 7.

- The university must present a student success plan to the BOG at its August or September meeting. If the plan is accepted by the BOG, the university may receive up to 50 percent of its state investment.
- If the BOG determines at its March meeting that the university is making satisfactory progress in implementing the student success plan, the university may receive up to the balance of its allocation of the state investment.
- If the student success plan goals are not met, the university may not receive its allocation of the state investment, and that portion is distributed to the top 3 scoring universities.
- Starting in 2021-2022, state universities below a score of 70 may receive up to 50 percent of the state investment after presenting and completing a student success plan:
 - The state university must present a student success plan to the BOG at its August or September meeting. If the plan is accepted by the BOG, university may receive up to 25 percent of its state investment.
 - If the BOG determines at its March meeting that the university is making satisfactory progress in implementing the student success plan, the university may receive up to the balance of the state investment.
 - If student success plan goals are not met the university may not receive the balance of the state investment, and that portion is distributed to the top 3 scoring universities.

Additionally, the bill amends s. 1001.706, F.S., to require the OIG of the BOG to annually verify the accuracy of the data used to implement the SUS Performance-Based Incentive and the preeminent state research universities program. This may help to ensure that data collected for use in performance funding programs is timely and accurate.

The bill's allocation methodology codifies, with some modifications, the BOG's recent change to its regulation⁴⁸ specifying an allocation methodology for the state investment. The most notable change is that the BOG sets 2017-2018 as the year to set baseline data, rather than 2018-2019 in the bill. The BOG procedures would allow for three years of data before 2021-2022, when state universities with a score lower than 70 may not receive the full state investment.⁴⁹

State University Direct-Support Organizations

The bill amends s. 1004.28, F.S., to extend the restriction on the transfer of a state appropriation by the board of trustees to any direct-support organization to also include the DSO's not-for-profit subsidiaries and affiliates.

University of Florida – Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc.

The bill amends s. 1004.41, F.S., to specify that the University of Florida (UF) board of trustees must approve all appointments to the board of directors for Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., and each's not-for-profit subsidiaries, and affiliates. This is consistent with law that requires

⁴⁸ BOG Regulation 5.001.

⁴⁹ Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 5.

the state university BOT to approve all appointments to any DSO board of directors and executive committee.⁵⁰

The bill also establishes a restriction on the transfer of state appropriations to specify that, beginning July 1, 2019, the transfer of state appropriations by the UF BOT to Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., may include only funds pledged for capital projects.

Statewide Articulation Agreement – Reverse Transfer

The bill amends s. 1007.23, F.S., to specify that the statewide articulation agreement must specifically provide for a reverse transfer agreement for FCS AA degree-seeking students who transfer to a state university before earning an AA degree.⁵¹ The bill requires the agreement to include, but is not limited to, the following provisions:

- The state universities' annual identification of students who have completed requirements for an AA degree.
- The transfer of credits earned at the university back to the FCS institution.
- Provisions for the annual notification to students of the reverse transfer policy.

Similarly, in Executive Order 19-31,⁵² Governor DeSantis directed the Commissioner of Education (commissioner) to ensure the DOE's 2019 legislative priorities included:

- Adopting a "reverse transfer" policy within universities and state colleges, whereby state colleges issue associates' degrees to students who began their higher education at a state college and transferred to a university prior to completing the necessary credits for an associate's degree, but did not complete their bachelors' degrees at the university. This would be accomplished by having the university transfer back any credits completed by the student to the state college where they started, allowing those who have completed the necessary credits across the system to be awarded an associate's degree from the state college at which they started.
- Requiring all four-year colleges to proactively offer associate's degrees to students who have completed the required 60 hours immediately upon completion of those hours.

A statewide reverse transfer policy may result in additional degrees awarded to students. Students who are not able to complete a bachelor's degree may still benefit from award of an AA degree. In addition, FCS institutions may benefit from additional degrees awarded for completion calculations under the FCS Performance-Based Incentive.

⁵⁰ Section 1004.28(3), F.S.

⁵¹ The BOG reports that, since 2015, Florida Atlantic University, Florida International University, the University of North Florida, and the University of South Florida had all established reverse transfer agreements with feeder Florida College System institutions. Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 4.

⁵² Office of the Governor, *Executive Order Number 19-31* (Jan. 30, 2019), available at https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-31.pdf, at 2-3.

University of South Florida Consolidation

The bill amends s. 1004.335, F.S., to require that the University of South Florida St. Petersburg and the University of South Florida Sarasota/Manatee maintain branch campus status⁵³ for both campuses after their accreditation is consolidated with the University of South Florida.

State University Ratios of Students to Faculty and Administration

The bill amends s. 1011.90, F.S., to require that the BOG legislative budget request (LBR) must also include 5-year trend information on the ratios of student enrollment to faculty and administrators at each state university. The bill also specifies that ratio of students to administrators at any university may not grow at a greater rate than the ratio of students to faculty. The bill does not specify a ratio threshold or use of such data in the LBR process.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁵³ The Commission on Colleges of the Southern Association of Colleges and Schools defines a “branch campus” as an off-campus instructional site that is geographically apart and independent of the main campus of the institution. A location is independent of the main campus if the location is: permanent; offers courses in educational programs leading to a degree, certificate, or other recognized educational credential; has its own faculty and administrative or supervisory organization; and has its own budgetary and hiring authority. Southern Association of Colleges and Schools, *Merger/Consolidation, Acquisition, Change of Ownership, and Change of Governance, Control, Form, or Legal Status* (June 2010, updated June 2018), available at <http://www.sacscoc.org/subchg/policy/Mergers.pdf>, at 3.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The modifications to the performance-based incentive metrics and allocation methodology may affect the distribution of performance funds to state universities. The impact of these changes is not known.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.706, 1001.92, 1004.28, 1004.335, 1004.41, 1007.23, and 1011.90.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (j) is added to subsection (3) of
section 1001.706, Florida Statutes, paragraph (e) of subsection
(5) of that section is amended, and paragraph (i) is added to
that subsection, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND
OPERATION OF STATE UNIVERSITIES.—



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(j) The Board of Governors shall require each institution to conduct an annual assessment of the intellectual freedom and viewpoint diversity at that institution. The Board of Governors shall select or create an objective, nonpartisan, and statistically valid survey, to be used by each institution, that considers the extent to which competing ideas and perspectives are presented and members of the university community feel free to express their beliefs and viewpoints on campus and in the classroom. The Board of Governors shall annually compile and publish the assessments by September 1 of each year, beginning with September 1, 2020.

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(e) The Board of Governors shall maintain an effective information system to provide accurate, timely, and cost-effective information about each university. The board shall continue to collect and maintain, at a minimum, management information as such information existed on June 30, 2002. The Office of the Inspector General shall annually verify the accuracy of the data used to implement ss. 1001.7065 and 1001.92.

(i) The Board of Governors shall match individual student information with information in the files of state and federal agencies that maintain educational and employment records. The board must enter into an agreement with the Department of Economic Opportunity that allows access to the individual reemployment assistance wage records maintained by the department. The agreement must protect individual privacy and provide that student information may be used only for the purposes of auditing or evaluating higher education programs



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41 offered by state universities.

42 Section 2. Subsections (3) through (7) of section
43 1001.7065, Florida Statutes, are renumbered as subsections (4)
44 through (8), respectively, a new subsection (3) is added to that
45 section, and paragraphs (c), (d), (j), (k), and (l) of
46 subsection (2) are amended, to read:

47 1001.7065 Preeminent state research universities program.—

48 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The
49 following academic and research excellence standards are
50 established for the preeminent state research universities
51 program:

52 (c) A freshman retention rate of 90 percent or higher for
53 full-time, first-time-in-college students, as reported annually
54 in the Board of Governors Accountability Plan to the Integrated
55 Postsecondary Education Data System (IPEDS).

56 (d) A 4-year graduation rate of 60 percent or higher for
57 full-time, first-time-in-college students, as reported annually
58 in the Board of Governors Accountability Plan to the IPEDS.
59 ~~However, for the 2018 determination of a state university's~~
60 ~~preeminence designation and the related distribution of the~~
61 ~~2018-2019 fiscal year appropriation associated with preeminence~~
62 ~~and emerging preeminence, a university is considered to have~~
63 ~~satisfied this graduation rate measure by attaining a 6-year~~
64 ~~graduation rate of 70 percent or higher by October 1, 2017, for~~
65 ~~full-time, first-time-in-college students, as reported to the~~
66 ~~IPEDS and confirmed by the Board of Governors.~~

67 (j) Four hundred or more doctoral degrees awarded annually,
68 including professional doctoral degrees awarded in medical and
69 health care disciplines, as reported annually in the Board of



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Governors ~~Annual~~ Accountability Plan Report.

(k) Two hundred or more postdoctoral appointees annually, as reported annually in the Board of Governors Accountability Plan ~~TARU annual report~~.

(l) An endowment of \$500 million or more, as reported annually in the Board of Governors ~~Annual~~ Accountability Plan Report.

(3) The Board of Governors shall use its 2019 Accountability Plan for determining a state university's preeminence designation and distributing awards for the 2019-2020 fiscal year appropriation. This subsection shall expire on July 1, 2020.

Section 3. Subsection (1) of section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. Beginning with the Board of Governors' determination of each university's performance improvement and achievement ratings ~~for 2018~~, and the related distribution of the annual 2018-2019 fiscal year appropriation, the performance-based metrics must include:

(a) 4-year graduation rates;

(b) Beginning in fiscal year 2020-2021, 2-year graduation rates for full-time 2+2 associate degree transfer students from Florida College System institutions, with points deducted for decreases in the enrollment of associate in arts degree transfer



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students;

(c) Retention rates;

(d) Postgraduation education rates;

(e) Degree production;

(f) Affordability;

(g) Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree;

(h) Access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term;

(i) Beginning in fiscal year 2020-2021, 6-year graduation rates for students who are eligible for a Pell Grant as compared with students who are not eligible for a Pell Grant, with points deducted for decreases in the enrollment of students who are eligible for a Pell Grant; and

(j) Beginning in fiscal year 2020-2021, the percent of students graduating without excess hours.

The Board of Governors may approve ~~and other metrics approved by the board~~ in a publicly ~~formally~~ noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors ~~Access rate benchmarks must be differentiated and scored to reflect the varying access rate levels among the state~~



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~~universities; however, the scoring system may not include bonus points.~~

Section 4. Section 1001.92(1)(h), Florida Statutes, as amended by this act is repealed on June 30, 2020.

Section 5. Paragraph (b) of subsection (2) of section 1004.28, Florida Statutes, is amended to read:

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(2) USE OF PROPERTY.—

(b) The board of trustees, in accordance with regulations and guidelines of the Board of Governors, shall prescribe by regulation conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university, including that personal services must comply with s. 1012.976. Such regulations shall provide for budget and audit review and oversight by the board of trustees, including thresholds for approval of purchases, acquisitions, projects, and issuance of debt.

~~Beginning No later than~~ July 1, 2019, the transfer of a state appropriation by the board of trustees to any direct-support organization and its not-for-profit subsidiaries and affiliates may ~~only~~ include only funds pledged for capital projects.

~~Beginning July 1, 2019, and annually thereafter,~~ Each university board of trustees shall annually report to the Legislature the amount of state appropriations transferred to any direct-support organization and its not-for-profit subsidiaries and affiliates during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.



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Section 6. Subsections (1), (4), and (5), and paragraph (a) of subsection (6) of section 1004.335, Florida Statutes, are amended to read:

1004.335 Accreditation consolidation of University of South Florida branch campuses.—

(1) The University of South Florida Consolidation Planning Study and Implementation Task Force is established to develop recommendations to improve service to students by phasing out the separate accreditation of the University of South Florida St. Petersburg branch campus and the University of South Florida Sarasota/Manatee branch campus, which were conferred by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) pursuant to ss. 1004.33 and 1004.34, respectively.

(4) No later than February 15, 2019, the task force must submit a report to the University of South Florida Board of Trustees which includes, at a minimum, recommendations on the following:

(a) Identification of specific degrees in programs of strategic significance, including health care, science, technology, engineering, mathematics, and other program priorities to be offered at the University of South Florida St. Petersburg branch campus and the University of South Florida Sarasota/Manatee branch campus and the timeline for the development and delivery of programs on each campus;

(b) Maintaining the unique identity of each campus and an assessment of whether a separate educational mission is beneficial to the future of each campus;

(c) Maintaining faculty input from all campuses during the



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review and development of general education requirements to reflect the distinctive identity of each campus;

(d) Developing the research capacity at each campus;

(e) Equitable distribution of programs and resources to establish pathways to admission for all students who require bridge programming and financial aid;

(f) Establishing budget transparency and accountability regarding the review and approval of student fees among campuses, including fee differentials and athletic fees, to enable the identification of the equitable distribution of resources to each campus, including the University of South Florida Health; and

(g) Developing and delivering integrated academic programs, student and faculty governance, and administrative services to better serve the students, faculty, and staff at the University of South Florida College of Marine Science, the University of South Florida Sarasota/Manatee branch campus, and the University of South Florida St. Petersburg branch campus.

(5) No later than March 15, 2019, the Board of Trustees of the University of South Florida, after considering the recommendations of the task force, must adopt and submit to the Board of Governors an implementation plan that:

(a) Establishes a timeline for each step that is necessary to terminate the separate accreditation for each campus no later than June 30, 2020, while maintaining branch campus status for both campuses, so that there is no lapse in institutional accreditation for any campus during the phasing-out process.

(b) Minimizes disruption to students attending any the University of South Florida or any of its branch campuses ~~campus~~



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so that the consolidation of SACSCOC accreditation does not impede a student's ability to graduate within 4 years after initial first-time-in-college enrollment.

(c) Requires that, on or before July 1, 2020, the entirety of the University of South Florida, including all branch campuses and other component units of the university, operate under a single institutional accreditation from the SACSCOC.

(d) Requires that, on each regularly scheduled submission date subsequent to July 1, 2020, the University of South Florida report consolidated data for all of the university's campuses and students to the Integrated Postsecondary Education Data System and to the Board of Governors. The Board of Governors shall use the consolidated data for purposes of determining eligibility for funding pursuant to ss. 1001.7065 and 1001.92.

(6) Notwithstanding ss. 1001.7065 and 1001.92 or any Board of Governors regulation to the contrary relating to the calculation of graduation rates and retention rates, a student who meets all of the following criteria may not be counted by the Board of Governors when calculating or confirming the graduation rate or the retention rate of the University of South Florida under those sections:

(a) The student was admitted to and initially enrolled before the spring 2020 semester as a first-time-in-college student at the University of South Florida St. Petersburg branch campus or the University of South Florida Sarasota/Manatee branch campus.

Section 7. Paragraph (b) of subsection (4) and paragraph (b) of subsection (5) of section 1004.41, Florida Statutes, are amended, paragraph (g) is added to subsection (4), and paragraph



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(f) is added to subsection (5) of that section, to read:

1004.41 University of Florida; J. Hillis Miller Health
Center.—

(4)

(b) The University of Florida Board of Trustees shall
provide in the lease or by separate contract or agreement with
Shands Teaching Hospital and Clinics, Inc., for the following:

1. Approval of the articles of incorporation of Shands
Teaching Hospital and Clinics, Inc., by the University of
Florida Board of Trustees.

2. Governance of Shands Teaching Hospital and Clinics,
Inc., by a board of directors appointed, subject to removal, and
chaired by the President of the University of Florida, or his or
her designee, and vice chaired by the Vice President for Health
Affairs of the University of Florida or his or her designee. The
University of Florida Board of Trustees shall approve all
appointments to the board and its not-for-profit subsidiaries
and affiliates.

3. Use of hospital facilities and personnel in support of
community service and patient care, research programs, and the
teaching roles of the health center.

4. Continued recognition of the collective bargaining units
and collective bargaining agreements as currently composed and
recognition of the certified labor organizations representing
those units and agreements.

5. Use of hospital facilities and personnel in connection
with research programs conducted by the health center.

6. Reimbursement to Shands Teaching Hospital and Clinics,
Inc., for indigent patients, state-mandated programs,



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underfunded state programs, and costs to Shands Teaching Hospital and Clinics, Inc., for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or Shands Teaching Hospital and Clinics, Inc., each year by the Legislature after review and approval of the request for funds.

7. Audit of the financial statements of Shands Teaching Hospital and Clinics, Inc., in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board for a separate corporation affiliated with a government entity that holds a voting majority interest of the affiliated corporation's governing board. The financial statements shall be provided to the University of Florida Board of Trustees for attachment to its audited financial statement which is provided to the Auditor General. The University of Florida may obtain additional financial information from Shands Teaching Hospital and Clinics, Inc., upon request by the Auditor General. This subparagraph applies equally to any not-for-profit subsidiary of Shands Teaching Hospital and Clinics, Inc., which directly delivers health care services and also qualifies as an instrumentality of the state under the governance control and the primary purpose standards specified in this section.

(g) Beginning July 1, 2019, the transfer of state appropriations by the University of Florida Board of Trustees to Shands Teaching Hospital and Clinic, Inc., and its not-for-profit subsidiaries and affiliates may only include funds pledged for capital projects, for the delivery of health care services, as matching dollars for intergovernmental services, or for funding graduate medical education.



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(5)

(b) The University of Florida Board of Trustees shall provide in the lease or by separate contract or agreement with Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., for the following:

1. Approval of the articles of incorporation of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., by the University of Florida Board of Trustees, which may act through the president of the university or his or her designee. In approving the articles of incorporation of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., the president of the university, or his or her designee, may act as the chair of the board of directors, or the president of the university or his or her designee or members of the University of Florida Board of Trustees may act as the approving body of Shands Jacksonville Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.

2. Governance of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., by boards of directors appointed, subject to removal, and chaired by the President of the University of Florida, or his or her designee. One director of each board may be so appointed after being nominated by the mayor of the City of Jacksonville subject to the applicable standards for directors of such board. If there is a vice chair of the board of directors of Shands Jacksonville Medical Center, Inc., or Shands Jacksonville HealthCare, Inc., the Vice President for Health Affairs of the University of Florida, or his or her designee or the designee of the president of the university, shall hold that position. The University of



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Florida Board of Trustees shall approve all appointments to the board and its not-for-profit subsidiaries and affiliates.

3. Use of the Shands Jacksonville Medical Center, Inc., hospital facilities and personnel in support of community service and patient care, research programs, and the teaching roles of the health center of the University of Florida Board of Trustees.

4. Reimbursement to Shands Jacksonville Medical Center, Inc., for indigent patients, state-mandated programs, underfunded state programs, and costs to the not-for-profit corporation for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or the not-for-profit corporation each year by the Legislature after review and approval of the request for funds.

5. Audit of the financial statements of Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board for a separate corporation affiliated with a government entity that holds a voting majority interest of the affiliated corporation's governing board. The financial statements shall be provided to the University of Florida Board of Trustees for attachment to its audited financial statement which is provided to the Auditor General. The University of Florida may obtain additional financial information from Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., upon request by the Auditor General. This subparagraph applies equally to any not-for-profit subsidiary which directly delivers health care



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services and also qualifies as an instrumentality of the state under the governance control and primary purpose standards specified in this section.

(f) Beginning July 1, 2019, the transfer of state appropriations by the University of Florida Board of Trustees to Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., and any of their not-for-profit subsidiaries and affiliates may only include funds pledged for capital projects, for the delivery of health care services, as matching dollars for intergovernmental services, or for funding graduate medical education.

Section 8. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) The articulation agreement must specifically provide for a reverse transfer agreement for Florida College System associate in arts degree-seeking students who transfer to a state university before earning an associate in arts degree. Students must be awarded an associate in arts degree by the Florida College System institution upon completion of degree requirements at the state university if the student earned a majority of the credit hours from the Florida College System institution. State universities must identify students who have completed requirements for the associate in arts degree and transfer credits earned at the state university back to the Florida College System institution so that the associate in arts degree may be awarded by the Florida College System institution.

Section 9. Upon the expiration and reversion of the amendment made to section 1009.215, Florida Statutes, pursuant



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to section 13, chapter 2018-10, Laws of Florida, subsection (3) of section 1009.215, Florida Statutes, is amended to read:

1009.215 Student enrollment pilot program for the spring and summer terms.—

(3) Students who are enrolled in the pilot program and who are eligible to receive Bright Futures Scholarships under ss. 1009.53-1009.536 shall be eligible to receive the scholarship award for attendance during the spring and summer terms. This student cohort shall also be eligible to receive Bright Futures Scholarships for the fall semester term to be used for off-campus or online coursework, if Bright Futures Scholarship funding is provided by the Legislature for three terms for that academic year for other eligible students ~~no more than 2 semesters or the equivalent in any fiscal year, including the summer term.~~

Section 10. Subsection (16) of section 1009.24, Florida Statutes, is amended to read:

1009.24 State university student fees.—

(16) Each university board of trustees may establish a tuition differential for undergraduate courses upon receipt of approval from the Board of Governors. However, beginning July 1, 2014, the Board of Governors may only approve the establishment of or an increase in tuition differential for a state research university designated as a preeminent state research university pursuant to s. 1001.7065(4) ~~s. 1001.7065(3)~~. The tuition differential shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

(a) Seventy percent of the revenues from the tuition



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differential shall be expended for purposes of undergraduate education. Such expenditures may include, but are not limited to, increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours. This expenditure for undergraduate education may not be used to pay the salaries of graduate teaching assistants. Except as otherwise provided in this subsection, the remaining 30 percent of the revenues from the tuition differential, or the equivalent amount of revenue from private sources, shall be expended to provide financial aid to undergraduate students who exhibit financial need, including students who are scholarship recipients under s. 1009.984, to meet the cost of university attendance. This expenditure for need-based financial aid shall not supplant the amount of need-based aid provided to undergraduate students in the preceding fiscal year from financial aid fee revenues, the direct appropriation for financial assistance provided to state universities in the General Appropriations Act, or from private sources. The total amount of tuition differential waived under subparagraph (b)7. may be included in calculating the expenditures for need-based financial aid to undergraduate students required by this subsection. If the entire tuition and fee costs of resident students who have applied for and received Pell Grant funds have been met and the university has excess



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funds remaining from the 30 percent of the revenues from the tuition differential required to be used to assist students who exhibit financial need, the university may expend the excess portion in the same manner as required for the other 70 percent of the tuition differential revenues.

(b) Each tuition differential is subject to the following conditions:

1. The tuition differential may be assessed on one or more undergraduate courses or on all undergraduate courses at a state university.

2. The tuition differential may vary by course or courses, by campus or center location, and by institution. Each university board of trustees shall strive to maintain and increase enrollment in degree programs related to math, science, high technology, and other state or regional high-need fields when establishing tuition differentials by course.

3. For each state university that is designated as a preeminent state research university by the Board of Governors, pursuant to s. 1001.7065, the aggregate sum of tuition and the tuition differential may be increased by no more than 6 percent of the total charged for the aggregate sum of these fees in the preceding fiscal year. The tuition differential may be increased if the university meets or exceeds performance standard targets for that university established annually by the Board of Governors for the following performance standards, amounting to no more than a 2-percent increase in the tuition differential for each performance standard:

a. An increase in the 4-year graduation rate for full-time, first-time-in-college students, as reported annually to the



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Integrated Postsecondary Education Data System.

b. An increase in the total annual research expenditures.

c. An increase in the total patents awarded by the United States Patent and Trademark Office for the most recent years.

4. The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential, may not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.

5. Beneficiaries having prepaid tuition contracts pursuant to s. 1009.98(2)(b) which were in effect on July 1, 2007, and which remain in effect, are exempt from the payment of the tuition differential.

6. The tuition differential may not be charged to any student who was in attendance at the university before July 1, 2007, and who maintains continuous enrollment.

7. The tuition differential may be waived by the university for students who meet the eligibility requirements for the Florida public student assistance grant established in s. 1009.50.

8. Subject to approval by the Board of Governors, the tuition differential authorized pursuant to this subsection may take effect with the 2009 fall term.

(c) A university board of trustees may submit a proposal to the Board of Governors to implement a tuition differential for one or more undergraduate courses. At a minimum, the proposal shall:

1. Identify the course or courses for which the tuition differential will be assessed.

2. Indicate the amount that will be assessed for each



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tuition differential proposed.

3. Indicate the purpose of the tuition differential.

4. Indicate how the revenues from the tuition differential will be used.

5. Indicate how the university will monitor the success of the tuition differential in achieving the purpose for which the tuition differential is being assessed.

(d) The Board of Governors shall review each proposal and advise the university board of trustees of approval of the proposal, the need for additional information or revision to the proposal, or denial of the proposal. The Board of Governors shall establish a process for any university to revise a proposal or appeal a decision of the board.

(e) The Board of Governors shall submit a report to the President of the Senate, the Speaker of the House of Representatives, and the Governor describing the implementation of the provisions of this subsection no later than February 1 of each year. The report shall summarize proposals received by the board during the preceding fiscal year and actions taken by the board in response to such proposals. In addition, the report shall provide the following information for each university that has been approved by the board to assess a tuition differential:

1. The course or courses for which the tuition differential was assessed and the amount assessed.

2. The total revenues generated by the tuition differential.

3. With respect to waivers authorized under subparagraph (b)7., the number of students eligible for a waiver, the number of students receiving a waiver, and the value of waivers



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provided.

4. Detailed expenditures of the revenues generated by the tuition differential.

5. Changes in retention rates, graduation rates, the percentage of students graduating with more than 110 percent of the hours required for graduation, pass rates on licensure examinations, the number of undergraduate course offerings, the percentage of undergraduate students who are taught by faculty, student-faculty ratios, and the average salaries of faculty who teach undergraduate courses.

(f) No state university shall be required to lower any tuition differential that was approved by the Board of Governors and in effect prior to January 1, 2009, in order to comply with the provisions of this subsection.

Section 11. Subsection (4) of section 1011.90, Florida Statutes, is amended to read:

1011.90 State university funding.—

(4) The Board of Governors shall establish and validate a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. The legislative budget request must also include 5-year trend information on the number of faculty and administrators at each university. The Board of Governors, by regulation, shall define faculty and administrative personnel classifications and shall also report the definitions in the legislative budget request. The growth rate of administrators at any state university may not exceed the growth rate of faculty. Expenditure analysis, operating budgets, and annual financial



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statements of each university must be prepared using the standard financial reporting procedures and formats prescribed by the Board of Governors. These formats shall be the same as used for the 2000-2001 fiscal year reports. Any revisions to these financial and reporting procedures and formats must be approved by the Executive Office of the Governor and the appropriations committees of the Legislature jointly under the provisions of s. 216.023(3). The Board of Governors shall continue to collect and maintain at a minimum management information existing on June 30, 2002. The expenditure analysis report shall include total expenditures from all sources for the general operation of the university and shall be in such detail as needed to support the legislative budget request.

Section 12. This act shall take effect July 1, 2019.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the organization and operation of
state universities; amending s. 1001.706, F.S.;
requiring the Board of Governors to require state
universities to conduct an annual assessment related
to intellectual freedom and viewpoint diversity at
each state university; providing requirements for the
Board of Governors relating to such assessment;
providing requirements for the Office of Inspector
General; requiring the Board of Governors to match



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certain student information with specified educational and employment records; requiring the Board of Governors to enter into an agreement with the Department of Economic Opportunity for certain purposes; providing requirements for such agreement; amending s. 1001.7065, F.S.; revising the standards for the preeminent state research universities program; requiring the Board of Governors to use a certain plan for determining preeminence designations and awards for a specified fiscal year; providing for the expiration of a certain requirement; amending s. 1001.92, F.S.; revising the state university system performance-based incentives; revising the performance-based metrics to include specific data beginning in a certain fiscal year; authorizing the Board of Governors to approve other metrics; prohibiting the adjustment of such metrics once specified data has been received; providing for the future repeal of s. 1001.92(1)(h), F.S., relating to a specific performance-based metric for the State University System Performance-Based Incentive; amending s. 1004.28, F.S.; providing that state appropriations transferred to specified entities by state university boards of trustees may only be used for specified purposes; revising a specified reporting requirement; amending s. 1004.335, F.S.; clarifying that the University of South Florida St. Petersburg and the University of South Florida Sarasota/Manatee are branch campuses; amending s. 1004.41, F.S.;



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requiring the University of Florida Board of Trustees to approve appointments to specified boards of directors and other entities relating to the J. Hillis Miller Health Center; providing that state appropriations transferred to certain entities by the University of Florida Board of Trustees may be used only for specified purposes; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to provide for a reverse transfer agreement; providing for an associate degree to be awarded to certain students by Florida College System institutions; providing requirements for state universities in that process; amending s. 1009.215, F.S.; providing that students enrolled in a specified pilot program who are eligible to receive Bright Futures Scholarships are also eligible for such scholarship funds for designated terms under specified circumstances; amending s. 1009.24, F.S.; conforming a cross-reference; amending s. 1011.90, F.S.; providing requirements for certain legislative budget requests; requiring the Board of Governors to adopt regulations to provide specified definitions; prohibiting administrator growth rate from exceeding faculty growth rate; providing an effective date.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Berman) recommended the following:

Senate Amendment to Amendment (404368) (with directory and title amendments)

Delete lines 10 - 22.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 5 - 7

and insert:

Section 1. Paragraph (e) of subsection (5) of section 1001.706, Florida Statutes, is amended, and paragraph (i) is



171926

12 added to

13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete lines 585 - 589.

By Senator Diaz

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1 A bill to be entitled
 2 An act relating to the organization and operation of
 3 state universities; amending s. 1001.706, F.S.;
 4 requiring the Board of Governors to report on the
 5 intellectual freedom and viewpoint diversity at each
 6 state university; requiring each institution to
 7 conduct a certain annual survey of students, faculty,
 8 and administrators; requiring the Office of Inspector
 9 General to annually verify the accuracy of specified
 10 data; requiring the Board of Governors to match
 11 certain student information with specified educational
 12 and employment records; requiring the Board of
 13 Governors to enter into an agreement with the
 14 Department of Economic Opportunity for certain
 15 purposes; providing requirements for such agreement;
 16 amending s. 1001.92, F.S.; revising the state
 17 university system performance-based incentive;
 18 revising the performance-based metrics to include
 19 specific data; authorizing the Board of Governors to
 20 approve other metrics; prohibiting the adjustment of
 21 such metrics once specified data has been received;
 22 requiring the Board of Governors to establish a
 23 minimum performance funding eligibility threshold for
 24 institutional investments, which must exceed a certain
 25 minimum threshold; requiring the use of specified data
 26 in establishing initial scores; providing for the
 27 scoring of universities by the Board of Governors and
 28 the distribution of state investment funds; providing
 29 requirements for state universities that do not meet

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30 specified requirements relating to the performance
 31 funding eligibility thresholds for the state's
 32 investment funding; amending s. 1004.28, F.S.;
 33 providing that state appropriations transferred to
 34 specified entities by state university boards of
 35 trustees may only be used for specified purposes;
 36 amending s. 1004.335, F.S.; clarifying that the
 37 University of South Florida St. Petersburg and the
 38 University of South Florida Sarasota/Manatee are
 39 branch campuses; deleting obsolete language; amending
 40 s. 1004.41, F.S.; requiring the University of Florida
 41 Board of Trustees to approve appointments to specified
 42 boards of directors and certain subsidiaries and
 43 affiliates of Shands Teaching Hospital and Clinics,
 44 Inc.; providing that, as of a specified date, state
 45 appropriations transferred to certain entities by the
 46 University of Florida Board of Trustees may be used
 47 only for specified purposes; amending s. 1007.23,
 48 F.S.; requiring the statewide articulation agreement
 49 to provide for a reverse transfer agreement; providing
 50 for an associate degree to be awarded to certain
 51 students by Florida College System institutions;
 52 providing requirement for state universities; amending
 53 s. 1011.90, F.S.; providing requirements for a certain
 54 legislative budget request; prohibiting certain ratios
 55 relating to student enrollment from growing faster
 56 than a specified rate; providing an effective date.
 57
 58 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (e) of subsection (5) of section 1001.706, Florida Statutes, is amended, and paragraph (j) is added to subsection (3) and paragraph (i) is added to subsection (5) of that section, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(j) The Board of Governors shall report, by September 1 of each year, on the intellectual freedom and viewpoint diversity at each institution through an objective, nonpartisan, and statistically valid survey that enables comparison among institutions over time. Each institution shall conduct an annual survey of students, faculty, and administrators which assesses the extent to which competing ideas, perspectives, and claims of truth are presented and members of the university community feel safe and supported in exploring and articulating their beliefs and viewpoints on campus and in the classroom.

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(e) The Board of Governors shall maintain an effective information system to provide accurate, timely, and cost-effective information about each university. The board shall continue to collect and maintain, at a minimum, management information as such information existed on June 30, 2002. The Office of the Inspector General shall annually verify the accuracy of the data used to implement ss. 1001.7065 and 1001.92.

(i) The Board of Governors shall match individual student information with information in the files of state and federal

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agencies that maintain educational and employment records. The board must enter into an agreement with the Department of Economic Opportunity which allows access to the individual reemployment assistance wage records maintained by the department. The agreement must protect individual privacy and must provide that student information may be used only for the purposes of auditing or evaluating higher education programs offered by state universities.

Section 2. Section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. Beginning with the Board of Governors' determination of each university's performance improvement and achievement ratings for 2018, and the related distribution of the 2018-2019 fiscal year appropriation, the performance-based metrics must include:

(a) 4-year graduation rates;

(b) 2-year graduation rates for full-time 2+2 associate degree transfer students from Florida College System institutions;

(c) Retention rates;

(d) Postgraduation education rates;

(e) Degree production;

(f) Affordability;

(g) Postgraduation employment and salaries, including wage

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thresholds that reflect the added value of a baccalaureate degree;

(h) Six-year graduation rates for students who are eligible for a Pell Grant as compared with students who are not eligible for a Pell Grant, with points deducted for decreases in the enrollment of students who are eligible for a Pell Grant access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and

(i) The percentage of students graduating without excess hours.

The Board of Governors may approve other metrics approved by the board in a formally noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors
~~Access rate benchmarks must be differentiated and scored to reflect the varying access rate levels among the state universities; however, the scoring system may not include bonus points.~~

(2) Each fiscal year, the amount of funds available for allocation to the state universities based on the performance-based funding model shall consist of the state's investment in performance funding plus institutional investments consisting of funds deducted from the base funding of each state university in

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the State University System in an amount provided by the Legislature. The Board of Governors shall establish a minimum performance funding eligibility threshold ~~for thresholds for the state's investment and the institutional investments, which must exceed the minimum institutional investment threshold. The board shall use data from the 2018-2019 fiscal year to establish initial scores for each state university.~~ A state university that meets the minimum institutional investment eligibility threshold, ~~but fails to meet the minimum state investment eligibility threshold,~~ shall have its institutional investment restored ~~but is ineligible for a share of the state's investment in performance funding. The institutional investment shall be restored for each institution eligible for the state's investment under the performance-based funding model.~~

(3) (a) A state university that fails to meet the Board of Governors' minimum institutional investment performance funding eligibility threshold shall have its institutional investment withheld by the board and must submit an improvement plan to the board that specifies the activities and strategies for improving the state university's performance. The board must review and approve the improvement plan and, if the plan is approved, must monitor the state university's progress in implementing the activities and strategies specified in the improvement plan. The state university shall submit monitoring reports to the board by December 31 and May 31 of each year in which an improvement plan is in place. The ability of a state university to submit an improvement plan to the board is limited to 1 fiscal year.

(b) The Chancellor of the State University System shall withhold disbursement of the institutional investment until the

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monitoring report is approved by the Board of Governors. A state university determined by the board to be making satisfactory progress on implementing the improvement plan shall receive no more than one-half of the withheld institutional investment in January and the balance of the withheld institutional investment in June. A state university that fails to make satisfactory progress may not have its full institutional investment restored. Any institutional investment funds that are not restored shall be redistributed in accordance with the board's performance-based metrics.

(4) (a) The Board of Governors shall assign each state university a score on a 100-point scale. Pursuant to subsection (2), a state university's initial scores must be established using data from the 2018-2019 fiscal year. The state universities with the three highest scores are eligible to receive a proportionate amount of the state's investment. In the event of a tie for the three highest scores, the tie shall go to the benefit of the state universities.

(b) Each state university with a score that is equal to or higher than its score for the previous year is eligible for its proportional amount of the state's investment.

(c) Each state university with a score that is lower than in the immediately previous year, but whose score in that year was equal to or higher than its score for the prior year, is eligible for its proportional amount of the state's investment.

(d) Each state university with a score that is equal to or lower than its previous year's score for 2 consecutive years shall have its proportional amount of the state's investment withheld and must submit a student success plan to the board for

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consideration at its August or September meeting. The board shall review and approve the student success plan and, if the student success plan is approved, must monitor the state university's progress in implementing the plan. The student success plan must specify the activities and strategies the state university will use for improving its performance metrics.

1. If the board approves the student success plan, the Chancellor of the State University System must disburse up to one-half of the state's investment at the time of approval.

2. The student success plan monitoring report must be submitted to the board on a date specified by the Chancellor and considered at the board's March meeting. The Chancellor shall withhold the remaining disbursement of the state's investment until the student success plan monitoring report for the state university is approved by the board. If it is determined that the state university is making satisfactory progress on implementing the plan, the board must approve the monitoring report and the state university must receive up to the balance of the state's investment.

3. Any state university that fails to make satisfactory progress may not have its full state investment restored, and any state investment funds remaining must be distributed to the top three scoring state universities, including any state universities that have tied.

(e) Beginning with the 2021-2022 fiscal year, any state university with a score lower than 70 points shall have its proportional amount of the state's investment withheld and the state university shall submit a student success plan to the board for consideration at its August or September meeting. The

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board shall review and approve the student success plan and, if the student success plan is approved, must monitor the state university's progress in implementing the plan. The student success plan must specify the activities and strategies that the state university will use for improving its performance metrics. A state university whose proportional amount of the state's investment is withheld pursuant to this paragraph may only have 50 percent of its share of the state investment restored.

1. If the board approves the student success plan, the Chancellor shall disburse up to 25 percent of the state's investment at the time of approval.

2. The student success plan monitoring report must be submitted to the board on a date specified by the Chancellor and considered at the board's March meeting. The Chancellor shall withhold the remaining disbursement of the state's investment until the student success plan monitoring report for the state university is approved by the board. If it is determined that the state university is making satisfactory progress on implementing the plan, the board must approve the monitoring report and the state university shall receive up to 25 percent of its proportional amount of the state's investment.

3. Any state university that fails to make satisfactory progress may not have its 50 percent of the state's investment restored, and any state investment funds remaining must be distributed to the top three scoring state universities, including any state universities that have tied.

4. The remaining 50 percent of each state university's proportional share of the state's investment must be distributed to the top three scoring state universities, including state

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universities that have tied.

(5) Distributions of performance funding, as provided in this section, shall be made by the Legislature to each of the state universities.

(6) ~~(5)~~ By October 1 of each year, the Board of Governors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the previous fiscal year's performance funding allocation which must reflect the rankings and award distributions.

(7) ~~(6)~~ The Board of Governors shall adopt regulations to administer this section.

Section 3. Paragraph (b) of subsection (2) of section 1004.28, Florida Statutes, is amended to read:

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(2) USE OF PROPERTY.—

(b) The board of trustees, in accordance with regulations and guidelines of the Board of Governors, shall prescribe by regulation conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university, including that personal services must comply with s. 1012.976. Such regulations shall provide for budget and audit review and oversight by the board of trustees, including thresholds for approval of purchases, acquisitions, projects, and issuance of debt. Beginning ~~No later than~~ July 1, 2019, the transfer of a state appropriation by the board of trustees to any direct-support organization and its not-for-profit subsidiaries and affiliates may ~~only~~ include only funds pledged for capital projects.

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~~Beginning July 1, 2019, and annually thereafter,~~ Each university board of trustees shall report annually to the Legislature the amount of state appropriations transferred to any direct-support organization during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.

Section 4. Subsections (1), (4), and (5) and paragraph (a) of subsection (6) of section 1004.335, Florida Statutes, are amended to read:

1004.335 Accreditation consolidation of University of South Florida branch campuses.—

(1) The University of South Florida Consolidation Planning Study and Implementation Task Force is established to develop recommendations to improve service to students by phasing out the separate accreditation of the University of South Florida St. Petersburg branch campus and the University of South Florida Sarasota/Manatee branch campus, which were conferred by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) pursuant to ss. 1004.33 and 1004.34, respectively.

(4) ~~No later than February 15, 2019,~~ The task force must submit a report to the University of South Florida Board of Trustees which includes, at a minimum, recommendations on the following:

(a) Identification of specific degrees in programs of strategic significance, including health care, science, technology, engineering, mathematics, and other program priorities to be offered at the University of South Florida St. Petersburg branch campus and the University of South Florida

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Sarasota/Manatee branch campus and the timeline for the development and delivery of programs on each campus;

(b) Maintaining the unique identity of each campus and an assessment of whether a separate educational mission is beneficial to the future of each campus;

(c) Maintaining faculty input from all campuses during the review and development of general education requirements to reflect the distinctive identity of each campus;

(d) Developing the research capacity at each campus;

(e) Equitable distribution of programs and resources to establish pathways to admission for all students who require bridge programming and financial aid;

(f) Establishing budget transparency and accountability regarding the review and approval of student fees among campuses, including fee differentials and athletic fees, to enable the identification of the equitable distribution of resources to each campus, including the University of South Florida Health; and

(g) Developing and delivering integrated academic programs, student and faculty governance, and administrative services to better serve the students, faculty, and staff at the University of South Florida College of Marine Science, the University of South Florida Sarasota/Manatee branch campus, and the University of South Florida St. Petersburg branch campus.

(5) ~~No later than March 15, 2019,~~ The Board of Trustees of the University of South Florida, after considering the recommendations of the task force, must adopt and submit to the Board of Governors an implementation plan that:

(a) Establishes a timeline for each step that is necessary

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to terminate the separate accreditation for each campus no later than June 30, 2020, while maintaining branch campus status for both campuses, so that there is no lapse in institutional accreditation for any campus during the phasing-out process.

(b) Minimizes disruption to students attending the any University of South Florida or any of its branch campuses ~~campus~~ so that the consolidation of SACSCOC accreditation does not impede a student's ability to graduate within 4 years after initial first-time-in-college enrollment.

(c) Requires that, on or before July 1, 2020, the entirety of the University of South Florida, including all branch campuses and other component units of the university, operate under a single institutional accreditation from the SACSCOC.

(d) Requires that, on each regularly scheduled submission date subsequent to July 1, 2020, the University of South Florida report consolidated data for all of the university's campuses and students to the Integrated Postsecondary Education Data System and to the Board of Governors. The Board of Governors shall use the consolidated data for purposes of determining eligibility for funding pursuant to ss. 1001.7065 and 1001.92.

(6) Notwithstanding ss. 1001.7065 and 1001.92 or any Board of Governors regulation to the contrary relating to the calculation of graduation rates and retention rates, a student who meets all of the following criteria may not be counted by the Board of Governors when calculating or confirming the graduation rate or the retention rate of the University of South Florida under those sections:

(a) The student was admitted to and initially enrolled before the spring 2020 semester as a first-time-in-college

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student at the University of South Florida St. Petersburg branch campus or the University of South Florida Sarasota/Manatee branch campus.

Section 5. Paragraph (b) of subsection (4) and paragraph (b) of subsection (5) of section 1004.41, Florida Statutes, are amended, and paragraph (g) is added to subsection (4) and paragraph (f) is added to subsection (5) of that section, to read:

1004.41 University of Florida; J. Hillis Miller Health Center.—

(4)

(b) The University of Florida Board of Trustees shall provide in the lease or by separate contract or agreement with Shands Teaching Hospital and Clinics, Inc., for the following:

1. Approval of the articles of incorporation of Shands Teaching Hospital and Clinics, Inc., by the University of Florida Board of Trustees.

2. Governance of Shands Teaching Hospital and Clinics, Inc., by a board of directors appointed, subject to removal, and chaired by the President of the University of Florida, or his or her designee, and vice chaired by the Vice President for Health Affairs of the University of Florida or his or her designee. The University of Florida Board of Trustees must approve all appointments to the board, its not-for-profit subsidiaries, and its affiliates.

3. Use of hospital facilities and personnel in support of community service and patient care, research programs, and the teaching roles of the health center.

4. Continued recognition of the collective bargaining units

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and collective bargaining agreements as currently composed and recognition of the certified labor organizations representing those units and agreements.

5. Use of hospital facilities and personnel in connection with research programs conducted by the health center.

6. Reimbursement to Shands Teaching Hospital and Clinics, Inc., for indigent patients, state-mandated programs, underfunded state programs, and costs to Shands Teaching Hospital and Clinics, Inc., for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or Shands Teaching Hospital and Clinics, Inc., each year by the Legislature after review and approval of the request for funds.

7. Audit of the financial statements of Shands Teaching Hospital and Clinics, Inc., in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board for a separate corporation affiliated with a government entity that holds a voting majority interest of the affiliated corporation's governing board. The financial statements shall be provided to the University of Florida Board of Trustees for attachment to its audited financial statement which is provided to the Auditor General. The University of Florida may obtain additional financial information from Shands Teaching Hospital and Clinics, Inc., upon request by the Auditor General. This subparagraph applies equally to any not-for-profit subsidiary of Shands Teaching Hospital and Clinics, Inc., which directly delivers health care services and also qualifies as an instrumentality of the state under the governance control and the primary purpose standards specified in this section.

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(g) Beginning July 1, 2019, the transfer of state appropriations by the University of Florida Board of Trustees to Shands Teaching Hospital and Clinic, Inc., and its not-for-profit subsidiaries and affiliates may include only funds pledged for capital projects.

(5)

(b) The University of Florida Board of Trustees shall provide in the lease or by separate contract or agreement with Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., for the following:

1. Approval of the articles of incorporation of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., by the University of Florida Board of Trustees, which may act through the president of the university or his or her designee. In approving the articles of incorporation of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., the president of the university, or his or her designee, may act as the chair of the board of directors, or the president of the university or his or her designee or members of the University of Florida Board of Trustees may act as the approving body of Shands Jacksonville Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.

2. Governance of Shands Jacksonville Medical Center, Inc., and of Shands Jacksonville HealthCare, Inc., by boards of directors appointed, subject to removal, and chaired by the President of the University of Florida, or his or her designee. One director of each board may be so appointed after being nominated by the mayor of the City of Jacksonville subject to the applicable standards for directors of such board. If there

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is a vice chair of the board of directors of Shands Jacksonville Medical Center, Inc., or Shands Jacksonville HealthCare, Inc., the Vice President for Health Affairs of the University of Florida, or his or her designee or the designee of the president of the university, shall hold that position. The University of Florida Board of Trustees must approve all appointments to the board, its not-for-profit subsidiaries, and its affiliates.

3. Use of the Shands Jacksonville Medical Center, Inc., hospital facilities and personnel in support of community service and patient care, research programs, and the teaching roles of the health center of the University of Florida Board of Trustees.

4. Reimbursement to Shands Jacksonville Medical Center, Inc., for indigent patients, state-mandated programs, underfunded state programs, and costs to the not-for-profit corporation for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or the not-for-profit corporation each year by the Legislature after review and approval of the request for funds.

5. Audit of the financial statements of Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board for a separate corporation affiliated with a government entity that holds a voting majority interest of the affiliated corporation's governing board. The financial statements shall be provided to the University of Florida Board of Trustees for attachment to its audited financial statement which is provided to the Auditor

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General. The University of Florida may obtain additional financial information from Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., upon request by the Auditor General. This subparagraph applies equally to any not-for-profit subsidiary which directly delivers health care services and also qualifies as an instrumentality of the state under the governance control and primary purpose standards specified in this section.

(f) Beginning July 1, 2019, the transfer of state appropriations by the University of Florida Board of Trustees to Shands Jacksonville Medical Center, Inc., Shands Jacksonville HealthCare, Inc., and any of their not-for-profit subsidiaries and affiliates may include only funds pledged for capital projects.

Section 6. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) The articulation agreement must specifically provide for a reverse transfer agreement for Florida College System associate in arts degree-seeking students who transfer to a state university before earning an associate in arts degree. Students must be awarded an associate in arts degree by the Florida College System institution upon completion of degree requirements at the state university if the student earned a majority of the credit hours from the Florida College System institution. State universities shall identify students who have completed requirements for the associate in arts degree and transfer credits earned at the state university back to the Florida College System institution so that the associate in arts

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523 degree may be awarded by the Florida College System institution.

524 Section 7. Subsection (4) of section 1011.90, Florida

525 Statutes, is amended to read:

526 1011.90 State university funding.—

527 (4) The Board of Governors shall establish and validate a
528 cost-estimating system consistent with the requirements of
529 subsection (1) and shall report as part of its legislative
530 budget request the actual expenditures for the fiscal year
531 ending the previous June 30. The legislative budget request must
532 also include 5-year trend information on the ratios of student
533 enrollment to faculty and administrators at each university. The
534 ratio of students to administrators at any state university may
535 not grow at a greater rate than the ratio of students to
536 faculty. Expenditure analysis, operating budgets, and annual
537 financial statements of each university must be prepared using
538 the standard financial reporting procedures and formats
539 prescribed by the Board of Governors. These formats shall be the
540 same as used for the 2000-2001 fiscal year reports. Any
541 revisions to these financial and reporting procedures and
542 formats must be approved by the Executive Office of the Governor
543 and the appropriations committees of the Legislature jointly
544 under ~~the provisions of~~ s. 216.023(3). The Board of Governors
545 shall continue to collect and maintain at a minimum management
546 information existing on June 30, 2002. The expenditure analysis
547 report shall include total expenditures from all sources for the
548 general operation of the university and shall be in such detail
549 as needed to support the legislative budget request.

550 Section 8. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1342

INTRODUCER: Senator Stargel

SUBJECT: Postsecondary Education for Secondary Students

DATE: March 25, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1342 expands secondary student access to advanced coursework through dual enrollment and early college programs. Specifically, the bill:

- Revises dual enrollment provisions in the following ways:
 - Requires private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment.
 - Specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and private schools.
- Reframes the collegiate high school program as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the Commissioner of Education.

The bill takes effect July 1, 2019.

II. Present Situation:

Florida law provides students in secondary schools access to advanced coursework.¹ Such coursework is intended to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject.²

¹ Section 1007.27, F.S.

² *Id.*, at (1).

Dual Enrollment

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.³ A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student.⁴

An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with the requirements specified in law⁵ and provides a secondary curriculum pursuant to the law.⁶ Students who meet the eligibility requirements specified in law and who choose to participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.⁷

Each year, more than 60,000 students participate in Florida's dual enrollment program, and the number is growing.⁸ During the 2017-2018 school year, 72,465 students⁹ participated in dual enrollment at Florida College System (FCS) institutions.¹⁰ Specifically, 66,472 students from public high schools, 2,934 students from private high schools, and 3,381 students from home education programs participated in dual enrollment during the 2017-2018 school year.¹¹

Dual Enrollment Articulation Agreement

A dual enrollment articulation agreement establishes the guidelines for implementing the program for eligible students.¹² Specifically, Florida law requires:

- Each district school superintendent and each public postsecondary institution president to develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution.¹³
- Each public postsecondary institution eligible to participate in the dual enrollment program to enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent.¹⁴

³ Section 1007.271(1), F.S.

⁴ *Id.*

⁵ Section 1002.42(2), F.S.

⁶ Section 1007.271(2), F.S.

⁷ Section 1007.271(16), F.S. Florida law specifies that the provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, do not apply to students who select the option of enrolling in an eligible independent institution. Section 1011.62(1)(i), F.S. An eligible independent institution is an independent college or university, which is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02. *Id.*

⁸ Florida Department of Education, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 1 of 15.

⁹ The total number of students who participated in dual enrollment reflects an unduplicated headcount of students who may have enrolled in more than one dual enrollment course, which includes credit hour dual enrollment courses and clock hour career dual enrollment courses. Email, Florida Department of Education (March 22, 2019).

¹⁰ Email, Florida Department of Education (March 22, 2019).

¹¹ *Id.*

¹² Florida Department of Education, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 13 of 15.

¹³ Section 1007.271(21), F.S.

¹⁴ *Id.*, at (13).

- Each public postsecondary institution eligible to participate in the dual enrollment program to enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students.¹⁵

Additionally, district school boards and FCS institutions may enter into additional dual enrollment articulation agreements with state universities, and school districts may also enter into dual enrollment articulation agreements with eligible independent colleges and universities.¹⁶

The dual enrollment articulation agreements are developed locally by the entities specified in law. Florida law specifies the information that must be addressed in the dual enrollment articulation agreements.¹⁷ Such agreements must be submitted to the Florida Department of Education (DOE) by August 1 of each year.¹⁸

Funding

The dual enrollment articulation agreement between a district school superintendent and a public postsecondary institution president must address specified information including a funding provision that delineates costs incurred by each entity.¹⁹

School districts are required to pay public postsecondary institutions the standard tuition rate per credit hour from funds provided in the Florida Education Finance Program (FEFP) when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term.²⁰ When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district must reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction.²¹ When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution.²² Florida law authorizes a postsecondary institution to enter into an agreement with the school district to authorize teachers to teach dual enrollment courses at the high school site or the postsecondary institution.²³ Florida law does not specify a similar funding provision for private schools to pay public postsecondary education institutions for the dual enrollment instruction that such institutions provide to the private school students who participate in dual enrollment.

Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution must receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.²⁴

¹⁵ Section 1007.271(24), F.S.

¹⁶ *Id.*, at (23).

¹⁷ *Id.*, at (13), (21), and (24).

¹⁸ *Id.*, at (13), (21), (23), and (24).

¹⁹ Section 1007.271(21)(n), F.S.

²⁰ *Id.*, at 1.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*, at 2.

Instructional Materials

Instructional materials assigned for use within dual enrollment courses must be made available to dual enrollment students from Florida public high schools free of charge.²⁵ Florida law does not prohibit an FCS institution from providing instructional materials at no cost to a home education student or student from a private school.²⁶ Instructional materials purchased by a district school board or FCS institution board of trustees on behalf of dual enrollment students must be the property of the board against which the purchase is charged.²⁷

In 2018, the Legislature appropriated \$550,000 for instructional materials for home education program students participating in dual enrollment.²⁸

Collegiate High School Program

In 2014, the Legislature codified the collegiate high school program and specified related requirements.²⁹ Florida law requires each FCS institution to work with each district school board in its designated service area³⁰ to establish one or more collegiate high school programs.³¹

Purpose

At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications and to successfully complete 30 credit hours through dual enrollment toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.³²

In the fall of 2018, FCS institutions enrolled an estimated 11,179 students in collegiate high school programs.³³ During the 2017-2018 school year:³⁴

- 3,215 students graduated from FCS Collegiate and Charter High Schools.
- 2,997 graduates accumulated at least 30 college credits.
- 2,256 students earned associate degrees.
- 104 students earned industry certifications.

Program Contract

Each district school board and its local FCS institution must execute a contract to establish one or more collegiate high school programs at a mutually agreed upon location or locations.³⁵ If the FCS institution does not establish a program with a district school board in its designated service

²⁵ Section 1007.271(17), F.S.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Section 46, ch. 2018-6, L.O.F.

²⁹ Section 10, ch. 2014-184, L.O.F.

³⁰ Section 1000.21(3), F.S.

³¹ Section 1007.273(1), F.S.

³² *Id.*, at (2).

³³ Email. Florida Department of Education (March 9, 2019).

³⁴ *Id.*

³⁵ Section 1007.273(3), F.S.

area, another FCS institution may execute a contract with that district school board to establish the program.³⁶

In addition to executing a contract with the local FCS institution, Florida law authorizes a district school board to execute a contract to establish a collegiate high school program with a state university or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is nonprofit and located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.³⁷

Florida law specifies the information that must be addressed in the contract which must be executed by January 1 of each school year for implementation of the program during the next school year.³⁸

Student Performance Contract

Each student participating in a collegiate high school program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable FCS institution, state university, or independent college or university.³⁹ The performance contract must include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.

Funding

The collegiate high school program must be funded in accordance with the funding for dual enrollment and through the FEEP.⁴⁰ The State Board of Education must enforce compliance with the law regarding the collegiate high school program by withholding the transfer of funds for the school districts and the FCS institutions.⁴¹

III. Effect of Proposed Changes:

SB 1342 expands secondary student access to advanced coursework through dual enrollment and early college programs. Specifically, the bill:

- Revises dual enrollment provisions in the following ways:
 - Requires private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment.
 - Specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and

³⁶ Section 1007.273(3), F.S.

³⁷ *Id.*, at (5).

³⁸ *Id.*, at (3).

³⁹ *Id.*, at (4). To participate in a collegiate high school program, an independent college or university must be an institution that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. *Id.*, at (5).

⁴⁰ Section 1007.273(6), F.S.

⁴¹ *Id.*

- private schools.
- Reframes the collegiate high school program as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the Commissioner of Education (commissioner).

Dual Enrollment

The bill revises Florida law regarding private school dual enrollment articulation agreements and the provision of instructional materials to students participating in dual enrollment.

Dual Enrollment Articulation Agreement

The bill requires the private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment. Current law requires school districts to reimburse public postsecondary education institutions for dual enrollment instruction provided by such institutions.⁴²

Instructional Materials

The bill specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and private schools. Current law provides for free dual enrollment instructional materials for public high school students.⁴³ However, the bill does not limit the provision of free dual enrollment instructional materials for private school and home education program students to only those students who are enrolled in grades 9 through 12 at private schools or the equivalent of such grades for home education programs.

Collegiate High School Program

The bill reframes the collegiate high school program (CHS) as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the commissioner.

Specifically, the bill revises current law to require each FCS institution to work with each district school board in its designated service area to establish one or more early college programs, including, but not limited to, collegiate high school programs. Accordingly, the bill expands opportunities for secondary students to access to advanced coursework through early college programs. The bill defines the early college program to mean a structured high school acceleration program.

Purpose

In comparison to the requirements for the CHS program, the bill expands the number of years

⁴² Section 1007.271(21)(n), F.S.

⁴³ *Id.*, at (17).

that early college programs must be made available to students and the opportunities that must be provided to students to earn college credit through dual enrollment. Specifically, the bill requires that the early college programs:

- Include an option for public school students in grades 11 and 12 to participate in such programs for at least 2 full school years, and
- Provide students opportunities to earn at least 60 credit hours through dual enrollment.

The bill maintains the opportunities for students to earn CAPE industry certifications under the early college programs, consistent with the CHS program. The bill requires early college programs to prioritize dual enrollment courses applicable as general education core courses⁴⁴ or common prerequisite courses⁴⁵ for an associate degree⁴⁶ or a baccalaureate degree⁴⁷ over dual enrollment courses applicable as electives. Accordingly, the bill promotes purposeful utilization and application of dual enrollment credits toward postsecondary education, which may result in cost savings for students if the students complete the general education core and common prerequisite course requirements before graduating from high school. Statewide articulation agreements⁴⁸ govern articulation between secondary and postsecondary education to facilitate the seamless articulation of student credit across Florida's educational entities.⁴⁹

The bill authorizes private school students and home education students in grades 11 and 12 to enroll in early college programs, and prohibits district school boards and FCS institutions from limiting the number of eligible students who may enroll in such early college programs.

Program Contract

The bill reframes the CHS program contract provisions as early college program contract provisions, with some additional requirements. Specifically, the bill revises the program contract provisions related to the:

- Program description by requiring that the description also include a list of the meta-major academic pathways approved in accordance with the law,⁵⁰ which are available to participating students through the partner FCS institution, state university, or nonprofit independent college or university that is located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and

⁴⁴ General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The course options are identified by faculty committees that are jointly appointed by the chair of the State Board of Education (state board) and the chair of the Board of Governors (BOG). Section 1007.25(3), F.S.; *see also* Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

⁴⁵ The Department of Education is required to identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites must be offered and accepted by all state universities and Florida College System (FCS) institutions, except in cases approved by the state board for the FCS institutions and the BOG for the state universities. Section 1007.25(6), F.S.

⁴⁶ Typically, an associate in arts degree requires 60 semester hours of college credit and include 36 semester hours of general education coursework. Section 1007.25(8), F.S.

⁴⁷ A baccalaureate degree program usually requires 120 semester credit hours and include 36 semester hours of general education coursework, unless prior approval has been granted by the BOG for baccalaureate degree programs offered by state universities and by the state board for baccalaureate degrees offered by FCS institutions. Section 1007.25(8), F.S.

⁴⁸ The state board and the BOG are required to enter into a statewide articulation agreement, providing for the transfer and application of credits earned by students in high school or in postsecondary programs of study. Section 1007.23(1), F.S.

⁴⁹ Section 1007.23(1)(a), F.S.

⁵⁰ Section 1008.30(4), F.S.

Schools to grant baccalaureate degrees.

- Delineation of courses by requiring that the courses must, at a minimum, include general education core courses and common prerequisite courses.

Additionally, the bill applies the January 1 deadline for executing the CHS program contracts to the early college program contracts, beginning with the 2020-2021 school year.

The bill applies to the early college program the existing authority of a district school board to execute a contract, under the CHS program, with a state university or a nonprofit independent college or university that is eligible to participate in the program,⁵¹ in addition to the contract that the district executes with the local FCS institution. Additionally, the bill authorizes a charter school to execute a program contract directly with the local FCS institution, state university, or eligible independent college or university to establish an early college program at a mutually agreed upon location. Accordingly, the bill expands student access to advanced coursework through early college programs.

Student Performance Contract

The bill reframes the CHS program student performance contract provisions as early college program student performance contract provisions, with a few additional requirements. The bill requires the student performance contract to:

- Specify the applicability of courses taken by students under the early college program to an associate or a baccalaureate degree.
- Require each district school board to notify, by September 1, 2020, and annually thereafter, each public school student, each home education program student, and each private school with students in grades 9, 10, 11, and 12 about the following early college program information:
 - The method for earning college credit through participation in the early college program. The bill requires that the notification include Internet websites to the dual enrollment course equivalency list⁵² approved by the state board; the common degree program prerequisite requirements⁵³ published by the Articulation Coordinating Committee;⁵⁴ the industry certification articulation agreements⁵⁵ adopted by the state board in rule; and the

⁵¹ An eligible independent college or university is an institution that is eligible to participate in the William L. Boyd, IV, 1Effective Access to Student Education Grant Program, that is nonprofit and located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Section 1007.273(5), F.S.

⁵² The dual enrollment course-to-high school subject area equivalency list specifies postsecondary courses that when completed earn both high school and college credit. Florida Department of Education, *2018-2019 Dual Enrollment Course—High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

⁵³ The common prerequisite requirements are published in the Common Prerequisite Manual, which is available on Florida Virtual Campus (FLVC) website. FloridaShines, Common Prerequisites Manuals 2018-2019, <https://dlss.flvc.org/admin-tools/common-prerequisites-manuals/2018-2019-manual> (last visited March 21, 2019).

⁵⁴ Florida law requires the Commissioner of Education, in consultation with the Chancellor of the State University System, to establish the Articulation Coordinating Committee, which must make recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data maintained by the Florida Department of Education's K-20 data warehouse, to the Higher Education Coordination Council, the state board, and the BOG. Section 1007.01(3), F.S.

⁵⁵ The SBE has approved several Statewide Career and Technical Education Articulation Agreements which are based on industry certification. Such agreements are intended to be a minimum guarantee of articulated credit and do not preclude

- approved meta-major academic pathways of the partner FCS institution, state university, or an eligible independent college or university.
- The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours and 60 credit hours applicable toward general education core courses or common prerequisite courses before graduating from high school versus the cost of students earning such credit hours after graduating from high school.

Funding

The bill specifies that consistent with Florida law regarding dual enrollment, a home education student, a private school student, and private school, for participating students from the private school, are not responsible for the costs associated with instructional materials, tuition, and fees, including registration and laboratory fees.

In addition, the bill creates a mechanism for awarding bonus funding if certain conditions are met. The bill specifies that a student who enrolls in the early college program and successfully completes an associate degree or at least 60 college credit hours toward fulfilling the requirements for a baccalaureate degree pursuant to the student performance contract before graduating from high school generates a 1.0 full-time equivalent (FTE) bonus.

The bill:

- Requires each district school board that is a contractual partner with an FCS institution, a state university, or an eligible independent college or university, to report to the commissioner the total FTE bonus for each early college program student from that school district.
- Requires the total FTE bonus to be added to each school district's total weighted FTE for funding in the subsequent fiscal year.
- Specifies that for any industry certification earned by a student under the early college program, the FTE bonus must be calculated and awarded in accordance with the funding for industry certifications specified in the Florida Education Finance Program.⁵⁶

Reporting

The bill creates reporting requirements to specify that:

- Beginning September 1, 2020, and annually thereafter, each district school superintendent must report to the commissioner, at a minimum, the following information on each early college program administered during the previous school year:
 - The number of students in public schools, private schools, and home education programs within the school district who enrolled in the early college program and the partnering postsecondary institutions.
 - The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate

institutions from granting additional credit based on local agreements. Florida Department of Education, *Industry Certification*, <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/industry-certification.shtml> (last visited March 21, 2019).

⁵⁶ Section 1011.62(1)(o), F.S.

- degrees awarded, and industry certifications attained, if any, by the students who enrolled in the early college program.
- The projected student enrollment in the early college program during the next school year.
- Any barriers to executing contracts to establish one or more early college programs.
- By November 30, 2020, and annually thereafter, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of early college programs, including, at a minimum, a summary of student enrollment and completion information; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Accordingly, the bill creates a mechanism for monitoring the status of early college programs and making program improvements, as needed.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment. This may result in a loss of revenue for a public postsecondary institution that enters into an agreement with a private school to provide dual enrollment.

In 2018, the Legislature appropriated \$550,000 for instructional materials for home education program students participating in dual enrollment.⁵⁷ The bill does not provide appropriations for instructional materials for home education program students and private school students who participate in dual enrollment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1007.271 and 1007.273.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁵⁷ Section 46, ch. 2018-6, L.O.F.



745498

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Between lines 36 and 37
insert:

Section 1. Subsections (5) through (8) of section 1007.27, Florida Statutes, are redesignated as subsections (6) through (9), respectively, and a new subsection (5) is added to that section, to read:

1007.27 Articulated acceleration mechanisms.—

(5) (a) Beginning September 1, 2020, and annually thereafter, each postsecondary institution shall report to the



745498

Commissioner of Education at least the following information, by
school district, for the previous school year for each dual
enrollment articulation agreement it enters into pursuant to s.
1007.271:

1. The number of students who enrolled in a dual enrollment
course under each articulation agreement, including those
students enrolled in an early college program under s. 1007.273;

2. The total and average number of dual enrollment courses
completed; clock hours earned; high school and college credits
earned; standard high school diplomas, certificates, and
associate and baccalaureate degrees awarded; and industry
certifications attained by the students who enrolled in each
dual enrollment program or early college program;

3. The projected student enrollment in each dual enrollment
program and early college program during the next school year;
and

4. Any barriers to entering into an agreement to establish
one or more early college programs as provided in ss. 1007.271
and 1007.273.

(b) By November 30, 2020, and annually thereafter, the
Department of Education shall publish on its website the status
of early college programs, including, at a minimum, a summary of
student enrollment and completion information, by each school
district, provided pursuant to this subsection; barriers, if
any, to establishing such programs; and recommendations for
expanding access to such programs statewide.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:



745498

41 Delete line 3
42 and insert:
43 secondary students; amending s. 1007.27, F.S.;
44 requiring postsecondary institutions to annually
45 report specified information to the Commissioner of
46 Education; requiring the Department of Education to
47 annually publish specified information to its website;
48 amending s. 1007.271, F.S.;



434620

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 39 and 40
insert:

(3) Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 2.5 ~~3.0~~ unweighted high school grade point average and the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework. Student eligibility requirements for continued enrollment in college credit dual enrollment courses must



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include the maintenance of a 2.5 ~~3.0~~ unweighted high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Regardless of meeting student eligibility requirements for continued enrollment, a student may lose the opportunity to participate in a dual enrollment course if the student is disruptive to the learning process such that the progress of other students or the efficient administration of the course is hindered. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school grade point average. Exceptions to the required grade point averages may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement established pursuant to subsection (21). Florida College System institution boards of trustees may establish additional initial student eligibility requirements, which shall be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses or limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary institution.

(4) District school boards may not refuse to enter into a dual enrollment articulation agreement with a local Florida College System institution if that Florida College System



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institution has the capacity to offer dual enrollment courses. A district school board or Florida College System institution may not limit the number of students who participate in dual enrollment, including early college programs under s. 1007.273, unless the institution requests, and the commissioner approves, a 1-year waiver from the prohibition on limitation under this subsection, specifically due to capacity to accommodate all eligible students seeking to participate in dual enrollment or early college programs from one or more counties served by the college. Such waiver must describe the existing capacity issues and specific courses or programs impacted by such capacity issues, and must include suggested solutions and a timeline for achieving the capacity to accommodate student demand.

=====
D I R E C T O R Y C L A U S E A M E N D M E N T
=====

And the directory clause is amended as follows:

Delete line 37

and insert:

Section 1. Subsections (3), (4), and (17) and paragraph (b) of subsection

=====
T I T L E A M E N D M E N T
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And the title is amended as follows:

Between lines 3 and 4

insert:

revising the grade point average requirement for student eligibility relating to initial and continued enrollment in college credit dual enrollment courses; prohibiting district school boards and Florida College



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70 System institutions from limiting the number of
71 students participating in dual enrollment; providing
72 an exception;



600724

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 93 - 104

and insert:

to successfully complete at least 60 ~~30~~ credit hours or graduate
from high school with an associate degree through the dual
enrollment program under s. 1007.271. Private school students
and home education students in grades 11 and 12 may enroll in
the early college program. The early college program must
prioritize dual enrollment courses applicable as general
education core courses or common prerequisite courses under s.



600724

1007.25 ~~toward the first year of college~~ for an associate degree
or a baccalaureate degree over dual enrollment courses
applicable as electives ~~while enrolled in the program.~~

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 16 - 18

and insert:

revising early college program contract and

By Senator Stargel

22-01314-19

20191342__

1 A bill to be entitled
 2 An act relating to postsecondary education for
 3 secondary students; amending s. 1007.271, F.S.;
 4 requiring, rather than authorizing, instructional
 5 materials to be made available to certain dual
 6 enrollment students free of charge; prohibiting
 7 certain costs associated with a private school student
 8 who is enrolled in a dual enrollment course from being
 9 passed along to the student's school; amending s.
 10 1007.273, F.S.; defining the term "early college
 11 program"; providing additional options for students
 12 participating in an early college program; revising
 13 the requirements for an early college program;
 14 authorizing certain private school and home education
 15 students to enroll in an early college program;
 16 prohibiting certain entities from limiting the number
 17 of students who may participate in an early college
 18 program; revising early college program contract and
 19 student performance contract requirements; requiring
 20 each district school board to annually notify students
 21 in certain grades of specified information about the
 22 early college program; authorizing a charter school to
 23 establish an early college program; providing that
 24 certain students and schools are not responsible for
 25 specified costs; providing that students who meet
 26 certain requirements generate a full-time equivalent
 27 bonus; providing requirements for such bonuses;
 28 requiring a district school superintendent to annually
 29 report to the Commissioner of Education certain

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

22-01314-19

20191342__

30 information relating to the early college program;
 31 requiring the commissioner to annually submit a report
 32 to the Governor and the Legislature; providing an
 33 effective date.
 34
 35 Be It Enacted by the Legislature of the State of Florida:
 36
 37 Section 1. Subsection (17) and paragraph (b) of subsection
 38 (24) of section 1007.271, Florida Statutes, are amended to read:
 39 1007.271 Dual enrollment programs.—
 40 (17) Instructional materials assigned for use within dual
 41 enrollment courses shall be made available to dual enrollment
 42 students from Florida public high schools, home education
 43 programs, and private schools free of charge. ~~This subsection~~
 44 ~~does not prohibit a Florida College System institution from~~
 45 ~~providing instructional materials at no cost to a home education~~
 46 ~~student or student from a private school.~~ Instructional
 47 materials purchased by a district school board or Florida
 48 College System institution board of trustees on behalf of dual
 49 enrollment students shall be the property of the board against
 50 which the purchase is charged.
 51 (24)
 52 (b) Each public postsecondary institution eligible to
 53 participate in the dual enrollment program pursuant to s.
 54 1011.62(1)(i) must enter into a private school articulation
 55 agreement with each eligible private school in its geographic
 56 service area seeking to offer dual enrollment courses to its
 57 students, including, but not limited to, students with
 58 disabilities. By August 1 of each year, the eligible

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

22-01314-19

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postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

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

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

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

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

5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student or the student's private school of enrollment.

Section 2. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Early college acceleration programs ~~Collegiate high school program.~~

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more early college programs, including, but not limited to, collegiate high school programs. As used in this section, the term "early college program" means a structured high school acceleration program.

22-01314-19

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~~(1)(2)~~ PURPOSE.—At a minimum, early college ~~collegiate high school~~ programs must include an option for public school students in grades grade 11 and ex-grade 12 participating in the early college program, for at least 2 + full school years year, to earn CAPE industry certifications pursuant to s. 1008.44 and to successfully complete at least 60 30 credit hours through the dual enrollment program under s. 1007.271. Private school students and home education students in grades 11 and 12 may enroll in the early college program. The early college program must prioritize dual enrollment courses applicable as general education core courses or common prerequisite courses under s. 1007.25 toward the first year of college for an associate degree or a baccalaureate degree over dual enrollment courses applicable as electives while enrolled in the program. A district school board or Florida College System institution may not limit the number of eligible students who may enroll in such early college programs.

~~(2)(3)~~ REQUIRED EARLY COLLEGE PROGRAM CONTRACTS.—Each district school board and its local Florida College System institution shall execute a contract to establish one or more early college ~~collegiate high school~~ programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the local Florida College System institution does not establish an early college a program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the early college program. Beginning with the 2020-2021 school year, the contract must be executed by January 1 of each school year for implementation of

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the early college program during the next school year. The contract must:

(a) Identify the grade levels to be included in the early college ~~collegiate high school~~ program ~~which must, at a minimum, include grade 12.~~

(b) Describe the early college ~~collegiate high school~~ program, including a list of the meta-major academic pathways approved pursuant to s. 1008.30(4) that are available to participating students through the partner Florida College System institution or other eligible partner postsecondary institution participating pursuant to subsection (4); the delineation of courses that must, at a minimum, include general education core courses and common prerequisite courses pursuant to s. 1007.25; and industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines.

(c) Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the early college ~~collegiate high school~~ program, the return on investment associated with participation in the early college program, and the information described in paragraphs (a) and (b).

(d) Identify the delivery methods for instruction and the instructors for all courses.

(e) Identify student advising services and progress monitoring mechanisms.

(f) Establish a program review and reporting mechanism

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regarding student performance outcomes.

(g) Describe the terms of funding arrangements to implement the early college ~~collegiate high school~~ program pursuant to paragraph (5) (a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

(a) ~~(4)~~ Each student participating in an early college ~~collegiate high school~~ program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the ~~partnering~~ applicable Florida College System institution, ~~state university,~~ or other eligible partner postsecondary institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry certifications to be taken by the student, if any; student attendance requirements; ~~and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1, 2020, and annually thereafter, each district school board must notify each student in grades 9, 10, 11, and 12 in a public school, each home education student in grades 9, 10, 11, or 12, and each private school with students in grades 9, 10, 11, and 12 within the school district about the early college program, including, but not limited to, all of the following:

1. The method for earning college credit through participation in the early college program. The notification must include Internet websites to the dual enrollment course equivalency list approved by the State Board of Education; the common degree program prerequisite requirements published by the

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175 Articulation Coordinating Committee pursuant to s.
 176 1007.01(3)(f); the industry certification articulation
 177 agreements adopted by the State Board of Education in rule; and
 178 the approved meta-major academic pathways of the partner Florida
 179 College System institution or other eligible partner
 180 postsecondary institution participating pursuant to subsection
 181 (4).

182 2. The estimated cost savings to students and their
 183 families resulting from students successfully completing 30
 184 credit hours and 60 credit hours applicable toward general
 185 education core courses or common prerequisite courses before
 186 graduating from high school versus the cost of students earning
 187 such credit hours after graduating from high school.

188 (4)(5) AUTHORIZED EARLY COLLEGE PROGRAM CONTRACTS.—In
 189 addition to executing a contract with the local Florida College
 190 System institution under this section, a district school board
 191 may execute a contract to establish an early college a
 192 collegiate high school program with a state university or an
 193 institution that is eligible to participate in the William L.
 194 Boyd, IV, Effective Access to Student Education Grant Program,
 195 that is a nonprofit independent college or university located
 196 and chartered in this state, and that is accredited by the
 197 Commission on Colleges of the Southern Association of Colleges
 198 and Schools to grant baccalaureate degrees. Such university or
 199 institution must meet the requirements specified under
 200 subsections (2) (3) and (3) (4). A charter school may execute a
 201 contract directly with the local Florida College System
 202 institution or another institution as authorized under this
 203 section to establish an early college program at a mutually

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204 agreed upon location.

205 (5) FUNDING.—

206 (a)(6) The ~~early college collegiate high school~~ program
 207 shall be funded pursuant to ss. 1007.271 and 1011.62. Pursuant
 208 to s. 1007.271, a home education student, private school
 209 student, and private school student's school of enrollment are
 210 not responsible for the costs associated with instructional
 211 materials, tuition, and fees, including registration and
 212 laboratory fees. The State Board of Education shall enforce
 213 compliance with this section by withholding the transfer of
 214 funds for the school districts and the Florida College System
 215 institutions in accordance with s. 1008.32.

216 (b) A student who enrolls in the early college program and
 217 successfully completes an associate degree or at least 60
 218 college credit hours toward fulfilling the requirements for a
 219 baccalaureate degree pursuant to the student performance
 220 contract under subsection (3) before graduating from high school
 221 generates a 1.0 full-time equivalent (FTE) bonus. Each district
 222 school board that is a contractual partner with a Florida
 223 College System institution or other eligible postsecondary
 224 institution pursuant to subsection (4) shall report to the
 225 Commissioner of Education the total FTE bonus for each early
 226 college program for the students from that school district. The
 227 total FTE bonus shall be added to each school district's total
 228 weighted FTE for funding in the subsequent fiscal year.

229 (c) For any industry certification a student attains under
 230 this section, the FTE bonus shall be calculated and awarded in
 231 accordance with s. 1011.62(1)(o).

232 (6) REPORTING REQUIREMENTS.—

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(a) Beginning September 1, 2020, and annually thereafter,
each district school superintendent shall report to the
commissioner, at a minimum, the following information on each
early college program administered during the previous school
year:

1. The number of students in public schools, private
schools, and home education programs within the school district
who enrolled in the early college program and the partnering
postsecondary institutions pursuant to subsections (2) and (4).

2. The total and average number of dual enrollment courses
completed, high school and college credits earned, standard high
school diplomas and associate and baccalaureate degrees awarded,
and industry certifications attained, if any, by the students
who enrolled in the early college program.

3. The projected student enrollment in the early college
program during the next school year.

4. Any barriers to executing contracts to establish one or
more early college programs.

(b) By November 30, 2020, and annually thereafter, the
commissioner must report to the Governor, the President of the
Senate, and the Speaker of the House of Representatives the
status of early college programs, including, at a minimum, a
summary of student enrollment and completion information
pursuant to this subsection; barriers, if any, to establishing
such programs; and recommendations for expanding access to such
programs statewide.

Section 3. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1380

INTRODUCER: Senator Perry

SUBJECT: Gardiner Scholarship

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1380 modifies student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) and expands authorized use of GSP funds. The bill also revises a responsibility for parents and specifies a requirement for the Department of Education (DOE). Specifically, the bill:

- Modifies the age-related student eligibility criterion that requires a student to be 3 or 4 years old on or before September 1 in the year in which the student applies for GSP participation to instead, specify that a student be 3 or 4 years old when the student applies to participate in the GSP.
- Expands authorized use of GSP funds to include tuition and fees associated with art, music, or theatre programs.
- Revises an existing responsibility of a parent to annually submit a notarized, sworn compliance statement to the scholarship-funding organization to instead, specify that the sworn compliance statement for initial eligibility must be notarized.
- Requires the DOE to implement a system that allows parents to submit all required information to maintain GSP eligibility, including eligibility to receive and spend GSP payments, through a secure Internet website or other secure electronic means.

The bill takes effect July 1, 2019.

II. Present Situation:

The Gardiner Scholarship Program (GSP) is established to provide the option for a parent to better meet the individual educational needs of his or her eligible child.¹ During the 2018-2019

¹ Section 1002.385(1), F.S.

school year, 11, 917 students are participating in the GSP.² The average scholarship amount is \$10,418 per student.³ In 2018, the Legislature appropriated \$128,336,000 for the GSP, including \$124,598,058 for scholarship awards and \$3,737,942 towards administrative expenses for the scholarship-funding organization's management and distribution of scholarships.⁴

Scholarship Eligibility

A parent of a student with a disability may request and receive a Gardiner Scholarship from the state for the purposes specified in law if:⁵

- The student:
 - Is a resident of this state;
 - Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a public school in this state;
 - Has a disability;⁶ and
 - Is the subject of an individual education plan (IEP)⁷ written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- The parent has applied to an eligible nonprofit scholarship-funding organization (SFO) to participate in the program by February 1 before the school year in which the student will participate or an alternative date as set by the SFO for any vacant, funded slots. Florida law specifies the process for parents to apply for the Gardiner Scholarship.

Authorized Use of Scholarship Funds

Gardiner Scholarship Program funds must be used to meet the individual educational needs of an eligible student and may be spent for purposes specified in law such as:⁸

² Florida Department of Education, *Fact Sheet: The Gardiner Scholarship Program*, available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner.pdf>, at 1.

³ *Id.*

⁴ Specific Appropriation 109, Ch. 2018-9, L.O.F.

⁵ Section 1002.385(3), F.S.

⁶ “Disability” means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s.393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s.393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education (state board) and evidenced by reports from local school districts. The term “hospital or homebound” includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months. *Id.*, at (2)(d).

⁷ “IEP” means individual education plan, regardless of whether the plan has been reviewed or revised within the last 12 months. *Id.*, at (h).

⁸ Section 1002.385(5), F.S.

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
- Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to, applied behavior analysis services, services provided by speech-language pathologists, occupational therapy services, services provided by physical therapists, services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.
- Fees for specialized after-school education programs.
- Transition services provided by job coaches.
- Tuition and fees associated with programs offered by approved Voluntary Prekindergarten Education Program providers and approved school readiness providers.
- Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.
- Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.

Parent Responsibilities

To satisfy or maintain GSP eligibility, including eligibility to receive and spend GSP payments, a parent must sign an agreement with the SFO and annually submit a notarized, sworn compliance statement to the organization to:⁹

- Affirm that the student is enrolled in a program that meets regular school attendance requirements under Florida law.¹⁰
- Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described under authorized uses of GSP funds.
- Affirm that the parent is responsible for the education of his or her student by, as applicable:
 - Requiring the student to take an assessment in accordance with the law;¹¹
 - Providing an annual evaluation in accordance with the law;¹² or

⁹ Section 1002.385(11)(a), F.S.

¹⁰ Section 1003.01(13)(b)-(d), F.S.

¹¹ An eligible private school must annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. An eligible private school must administer the statewide assessments pursuant to s. 1008.22 if a private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10. Section 1002.385(8), F.S. An eligible private school is a school that is located in this state, which offers an education to students in any grade from kindergarten to grade 12, and which meets the requirements specified in law. *Id.*, at (2)(g).

¹² The parent must provide for an annual educational evaluation in which is documented the student's demonstration of educational progress at a level commensurate with her or his ability. The parent must select the method of evaluation and must file a copy of the evaluation annually with the district school superintendent's office in the county in which the student resides. Florida law specifies the information that must be reflected in the annual educational evaluation. Section 1002.41(1)(f), F.S.

- Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.
- Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

III. Effect of Proposed Changes:

SB 1380 modifies student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) and expands authorized use of GSP funds. The bill also revises a responsibility for parents and specifies a requirement for the Department of Education (DOE). Specifically, the bill:

- Modifies the age-related student eligibility criterion that requires a student to be 3 or 4 years old on or before September 1 in the year in which the student applies for GSP participation to instead, specify that a student be 3 or 4 years old when the student applies to participate in the GSP.
- Expands authorized use of GSP funds to include tuition and fees associated with art, music, or theatre programs.
- Revises an existing responsibility of a parent to annually submit a notarized, sworn compliance statement to the scholarship-funding organization to instead, specify that the sworn compliance statement for initial eligibility must be notarized.
- Requires the DOE to implement a system that allows parents to submit all required information to maintain GSP eligibility, including eligibility to receive and spend GSP payments, through a secure Internet website or other secure electronic means.

As a result of the modifications to the age criterion, the bill may help more 3-year and 4-year old students qualify for the GSP. Additionally, the bill provides more options regarding the use of GSP funds by permitting the use of funds for art, music, or theatre program-related tuition and fees. The bill also modifies the reporting requirements for parents by eliminating the requirement that the parents submit notarized sworn compliance statement annually, and instead requiring the sworn compliance statement to be notarized only for initial eligibility. The bill maintains current law regarding the annual submission of the sworn compliance statement.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill modifies the student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) to include students who are 3 or 4 years old at the time of application for participating in the GSP. The fiscal impact resulting from additional eligible students is not known.

The bill also requires the Department of Education to implement a system that allows parents to submit all required information under the GSP through a secure Internet website or other electronic means. The costs associated with developing and implementing such system is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.385 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Perry

8-00842C-19

20191380__

A bill to be entitled

An act relating to the Gardiner Scholarship; amending s. 1002.385, F.S., and reenacting subsection (18), relating to the Gardiner Scholarship; revising eligibility requirements for the Gardiner Scholarship Program; providing that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theatre; revising requirements relating to compliance statements required for program participation; requiring the Department of Education to implement a certain system; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 1002.385, Florida Statutes, is amended, paragraph (q) is added to subsection (5) of that section, paragraph (a) of subsection (11) of that section is amended, and subsection (18) of that section is reenacted, to read:

1002.385 The Gardiner Scholarship.—

(3) PROGRAM ELIGIBILITY.—A parent of a student with a disability may request and receive from the state a Gardiner Scholarship for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;
2. Is 3 or 4 years of age when on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a

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public school in this state;

3. Has a disability as defined in paragraph (2)(d); and

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

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

(q) Tuition and fees associated with programs relating to art, music, or theatre.

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

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

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

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a ~~notarized~~, sworn compliance statement, which for initial eligibility must be notarized, to the organization to:

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

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

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

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

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

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

4. Affirm that the student remains in good standing with

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the provider or school if those options are selected by the parent.

The department shall implement a system that allows parents to submit all required information to maintain program eligibility under this paragraph through a secure Internet website or other secure electronic means.

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

(18) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 2. This act shall take effect July 1, 2019.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1480

INTRODUCER: Senator Stargel

SUBJECT: Civics Education

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Sikes	ED	Pre-meeting
2.			RC	

I. Summary:

SB 1480 requires that all instructional materials for the civics education course required for middle school students be reviewed by the Florida Joint Center for Citizenship and approved by the Florida Commissioner of Education.

The bill takes effect July 1, 2019.

II. Present Situation:

Required Instruction

Florida law requires each school board to provide instruction regarding the history, significance and principles of the Declaration of the Independence and the Constitution of the United States, flag education, and civil government.¹

General Requirements for Middle Grades Promotion

Florida's Next Generation Sunshine State Standards for social studies include civics content in kindergarten through grade 8 and in grades 9 through 12.² In grades 6 through 8, a student must successfully complete three middle school or higher courses in social studies in order to be promoted to high school.³ One of the three courses must be on civics.⁴ The course curriculum must include the following topics:

- Roles and responsibilities of federal, state, and local governments;
- Structures and functions of the legislative, executive, and judicial branches;

¹ Section 1003.42(2)(a)-(e), F.S.

² See CPALMS, *Browse and Search Standards*, <http://www.cpalms.org/Public/search/Standard> (last visited March 28, 2019) (providing the Next Generation Sunshine State Standards for each subject area, by grade level).

³ Section 1003.4156(1)(c), F.S.

⁴ *Id.*

- Meaning and significance of documents such as the Articles of Confederation, Declaration of Independence, and the Constitution of the United States.⁵

Students must take the civics statewide end-of-course (EOC) assessment, which counts toward 30 percent of the student's course grade.⁶ Results from the assessment are included in the school grades calculation for middle schools.⁷

The Florida Department of Education's (DOE) 2018 statewide assessment results, found that student performance on the civics EOC has increased by 2 percentage points (from 69% to 71%) from 2017 to 2018 and 10 percentage points from its inception in 2014 (from 61% to 71%).⁸ Achieving a Level 3 is considered a passing score on the assessment.⁹

Instructional Material Adoption and Review

The Commissioner of Education is required to annually determine the areas in which instructional materials shall be submitted for adoption, and by April 15 of each school year appoint three state or national experts in the content areas submitted for adoption to review the instructional materials and evaluate the content for alignment with the applicable Next Generation Sunshine State Standards.¹⁰

The instructional materials evaluation process is established in law and governed by rules of the State Board of Education.¹¹ Subject areas for the current adoption year and the adoption schedule are posted on the Florida Department of Education Instructional Materials (FDOEIM) website.¹² The term for state adoption of instructional materials is five years, with an option to extend, if needed.

Middle grades civics education is included in the Social Studies adoption cycle.¹³ According to the DOE, social studies course materials were adopted in the 2016-17 adoption cycle. Two members of the Florida Joint Center for Citizenship reviewed materials in the 2016-17 social studies adoption.¹⁴ Social Studies, including civics, is scheduled for state adoption again in the 2022-2023 adoption year.

District school boards or a consortium of school boards may also implement an instructional material program to review, recommend, adopt and purchase instructional materials.¹⁵ For a

⁵ *Id.*

⁶ *Id.*

⁷ See ss. 1003.4156(1)(c), 1008.24(3)(b)1.i., F.S.

⁸ Florida Department of Education, *Statewide Assessment Science and Social Studies* (2018), available at <http://www.fldoe.org/core/fileparse.php/5668/urlt/81PacketNGSSS18.pdf>.

⁹ Florida Department of Education, *2018-19 Next Generation Sunshine State Standards End-of-Course Assessment Fact Sheet* (2018), available at <http://www.fldoe.org/core/fileparse.php/5662/urlt/NGSSSEOCFS1819.pdf>.

¹⁰ Section 1006.29, F.S.

¹¹ See rule 6A-7.0710, F.A.C. See ss. 1006.34, F.S.

¹² Florida Department of Education, Instructional Materials website, <http://www.fldoe.org/academics/standards/instructional-materials> (last visited March 28, 2019).

¹³ Staff of the Department of Education, *Analysis for HB 807* (2019).

¹⁴ *Id.*

¹⁵ Section 1006.283(1), F.S.

district school board that chooses to perform its own instructional materials program, by March 31 of each year, the district school superintendent must certify to DOE that all instructional materials for core courses used by the district are aligned with state standards.¹⁶

Accuracy of Instructional Materials

In addition to relying on statements of publishers or manufactures of instructional materials, the commissioner may conduct an independent investigation to determine the accuracy of state-adopted instructional materials. When errors are confirmed the publishers of the materials are required to provide to each district school board that has purchased the materials the corrections in a format approved by the DOE. The commissioner may remove materials from the list of state-adopted material if they find that the content is in error and the publisher refuses to correct the error when notified by the DOE.¹⁷

Florida Joint Center for Citizenship

The Florida Joint Center for Citizenship (Center) is a partnership between the Lou Frey Institute of Politics and Government at the University of Central Florida and the Bob Graham Center for Public Service at the University of Florida.¹⁸ The Center offers K-12 curricular resources to support effective civics instruction, provides Civics360, an online student learning tool for middle school civics, and assists teachers and students in preparing for the civics EOC assessment.¹⁹

III. Effect of Proposed Changes:

The bill requires that all instructional materials for the civics education course required for middle school students be reviewed by the Florida Joint Center for Citizenship (Center) and approved by the Florida Commissioner of Education. The bill further specifies that any errors and inaccuracies in the state-adopted materials identified by the commissioner must be corrected in accordance with law.

It is unclear whether the required review by the Center applies to current state-adopted civics instructional materials or applies to the next scheduled social studies adoption in the 2022-2023 adoption year.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁶ *Id.*

¹⁷ Section 1006.35(1)-(3), F.S.

¹⁸ Florida Joint Center for Citizenship, *About the Joint Center*, <http://floridacitizen.org/pages/about-the-joint-center> (last visited March 27, 2019).

¹⁹ *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.4156 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



877054

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 32 - 36

and insert:

for the civics education course must be reviewed and approved by
the Commissioner of Education in consultation with organizations
that may include, but are not limited to, the Florida Joint
Center for Citizenship, the Bill of Rights Institute, Hillsdale
College, the Gilder Lehrman Institute of American History,
iCivics, and the Constitutional Sources Project, and in
consultation with educators, school administrators,



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postsecondary education representatives, elected officials,
business and industry leaders, parents, and the public. Any
errors and inaccuracies the commissioner identifies in state-
adopted materials must be corrected pursuant to s. 1006.35.
After consulting with such entities and individuals, the
commissioner shall review the current state-approved civics
education course instructional materials and the statewide EOC
assessment test specifications and shall make recommendations
for improvements to the materials and test specifications by
December 31, 2019. By December 31, 2020, the department shall
complete a review of the statewide civics education course
standards. ~~Beginning~~

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 4 - 10

and insert:

materials for certain civics education courses be
reviewed and approved by the Commissioner of Education
in consultation with certain entities and individuals;
requiring the commissioner to identify errors and
inaccuracies in state-adopted materials; requiring
such errors and inaccuracies to be corrected;
requiring the commissioner to consult with specified
organizations and stakeholders to review civics
instructional materials and test specifications by a
specified date; requiring the commissioner to make
recommendations for improving such materials and test
specifications by a specified date; requiring the



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41 department to review statewide civics education course
42 standards by a specified date; deleting obsolete
43 language; providing an

By Senator Stargel

22-01473A-19

20191480__

A bill to be entitled

An act relating to civics education; amending s. 1003.4156, F.S.; requiring that instructional materials for certain civics education courses include only materials reviewed by the Florida Joint Center for Citizenship and approved by the Commissioner of Education; requiring the commissioner to identify errors and inaccuracies in state-adopted materials; requiring such errors and inaccuracies to be corrected; deleting obsolete language; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(c) Three middle grades or higher courses in social studies. ~~Beginning with students entering grade 6 in the 2012-2013 school year,~~ One of these courses must be at least a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

22-01473A-19

20191480__

Confederation, the Declaration of Independence, and the Constitution of the United States. The instructional materials for the civics education course shall include only instructional materials reviewed by the Florida Joint Center for Citizenship and approved by the Commissioner of Education. Any errors and inaccuracies in state-adopted materials identified by the commissioner must be corrected pursuant to s. 1006.35. Beginning with the 2013-2014 school year, Each student's performance on the statewide, standardized EOC assessment in civics education required under s. 1008.22 constitutes 30 percent of the student's final course grade. A middle grades student who transfers into the state's public school system from out of country, out of state, a private school, or a home education program after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education.

Section 2. This act shall take effect July 1, 2019.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1594

INTRODUCER: Senator Harrell

SUBJECT: Voluntary Prekindergarten Education Program

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1594 shifts the method for assessing Voluntary Prekindergarten Education Program (VPK) providers from a kindergarten readiness rate based on the results of a screening taken in kindergarten to a program score based on assessments and a screening taken during the VPK school year. The bill eliminates the connection between the kindergarten readiness screening and a student's VPK provider. The bill also:

- Revises the statewide kindergarten screening to conform to Next Generation Sunshine State Standards for K-12 public school students.
- Removes the Office of Early Learning's (OEL's) authority to adopt procedures to calculate the kindergarten readiness rate.
- Authorizes the Department of Education (DOE) to adopt procedures to calculate each public school's kindergarten readiness rate.

The bill requires the OEL to adopt a methodology for calculating each VPK provider's program score, which must include:

- Program assessment scores;
- Developmentally appropriate learning gain data from a pre-and post-VPK assessment; and
- The results of the statewide end-of-prekindergarten screening.

The bill maintains the responsibility of Early Learning Coalitions (ELCs) and school districts for regulating private and public VPK provider compliance at the county and regional levels. The bill enhances the education standards for VPK by:

- Adding mathematical thinking, early math skills, and executive functioning skills to the list of student skills required to be addressed in performance standards adopted by the OEL.
- Adding early math skills to the required curricula of a VPK provider.
- Requiring the OEL to adopt standards for training courses for VPK instructors on the performance standards of students.

- Providing for a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom.
- Requiring each VPK provider to implement an evidence-based pre-and post-prekindergarten assessment to determine developmentally appropriate learning gains.
- Requiring the OEL and the DOE to adopt a statewide end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the OEL.
- Outlining consequences for a VPK provider who fails to attain the required minimum program score, including probation, corrective measures, suspension, and good cause exemptions.

The bill takes effect July 1, 2019.

II. Present Situation:

The Voluntary Prekindergarten Education Program

The Florida Constitution requires the State to provide every four-year old child a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which must be voluntary, high quality, free, and delivered according to professionally accepted standards.¹ In 2004, the State established a free Voluntary Prekindergarten Education Program (VPK) offered to eligible four-year-old children.² Parents may choose either a school-year or summer program offered by either a public or private school.³ Student enrollment in the VPK program has increased from 106,479 in the 2005-2006 school year to 169,819 in the 2018-2019 school year.⁴

Early Learning Coalitions (ELCs) and school districts administer the VPK program at the county or regional level. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.⁵ A local ELC must coordinate with the local school district in the ELC's service area to develop procedures for enrolling children in public school VPK programs.⁶

The Office of Early Learning (OEL) adopts procedures governing the administration of the VPK program for ELCs and school districts, including procedures for:⁷

¹ Art. IX, s. 1(b), Fla. Const. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

² Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const.

³ Section 1002.53(3), F.S.

⁴ Email, Florida Office of Early Learning (Mar. 29, 2019).

⁵ Section 1002.53(4), F.S. There are currently 30 ELCs. Florida's Office of Early Learning, *Early Learning Coalitions*, <http://www.floridaearlylearning.com/family-resources/find-quality-child-care/locate-your-early-learning-coalition> (last visited Mar. 29, 2019).

⁶ Section 1002.53(4), F.S.

⁷ Section 1002.75(2), F.S.

- Child enrollment.
- Attendance reporting.
- Eligibility of VPK program providers.
- Regulating the compliance of VPK program providers.
- Reimbursing VPK program providers for the costs of the VPK program.

OEL consults with the Department of Education (DOE) regarding procedures implemented by ELCs and school districts for administering corrective action to VPK program providers and administering the VPK program for specialized instructional services for children with disabilities.⁸

Statewide Kindergarten Readiness Screening

The DOE develops a statewide kindergarten readiness screening⁹ and requires each school district to administer the statewide kindergarten readiness screening within the first 30 days of each school year.¹⁰ The screening must measure a child's readiness for kindergarten in eight domains: physical development; approaches to learning; social and emotional development; language and literacy; mathematical thinking; scientific inquiry; social studies; and creative expression through the arts.¹¹

Kindergarten Readiness Rate

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the annual screening.¹² The readiness rates are expressed as the percentage of children whose scores demonstrate readiness for kindergarten.¹³ The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK preassessment and postassessment, known as the "Florida VPK Assessment."¹⁴ The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the Florida VPK Assessment from at least 2 successive years of administration.¹⁵

VPK Provider Probation and Corrective Action

At least 60 percent of a VPK provider's students must meet the "ready for kindergarten" score on the screening in order for the provider to avoid probationary status.¹⁶ Providers that do not meet

⁸ Section 1002.67(3), F.S.; *see also* s. 1002.66, F.S.

⁹ The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the Florida Kindergarten Readiness Screener (FLKRS) in 2017. Florida Department of Education Contract No. 17-651 (2017). *See* rule 6M-8.602(3)(b)1., F.A.C. ⁴⁰ Rule 6M-8.601(3)(b)1., F.A.C.

¹⁰ Sections 1002.69(1)-(3) and 1002.73, F.S.

¹¹ *See* s. 1002.67(1), F.S. *See also* Florida's Office of Early Learning, *Early Learning and Developmental Standards: 4 Years Old to Kindergarten* (2017) at 1, *incorporated by reference* in rule 6M-8.602, F.A.C.

¹² Rule 6M-8.601(3)(b), F.A.C.

¹³ Sections 1002.69(5)-(6), F.S.; To be considered "ready for kindergarten," a student must achieve a score of 500 or higher on the Star Early Literacy assessment. Rule 6M-8.601, F.A.C.

¹⁴ Section 1002.69(5), F.S.; Rule 6A-1.09433(1)(b), F.A.C.

¹⁵ Section 1002.69(5), F.S. The current readiness rate determined by the OEL is calculated by the results of the kindergarten screening only. Rule 6M-8.601(3)(b), F.A.C.

¹⁶ *Id.*

the minimum readiness rate are placed on probation.¹⁷ An ELC or school district must require a VPK provider that falls below the minimum kindergarten readiness rate to:¹⁸

- Submit for approval and implement an improvement plan;
- Place the provide or school on probation; and
- Take certain corrective actions, including the use of an OEL-approved curriculum or an OEL approved staff development plan to strengthen instruction in language development and phonological awareness.

Nearly 54 percent of kindergarten students were designated as “ready for kindergarten” based on the Fall 2017 administration of the kindergarten screening.¹⁹ Of 6,026 rated VPK providers, 2,615 failed to meet the minimum rate.²⁰ Of these 2,615 providers, 547 remained on probation.²¹ However, ELCs and school districts may not place any provider on a new probation until the 2018-2019 program year’s rates are issued.²²

Good Cause Exemption

A VPK provider on probation and failing to meet the minimum readiness rate for two consecutive years must be removed from eligibility to provide the VPK program for 5 years; unless the provider receives a good cause exemption.²³ A VPK provider must submit a request for a good cause exemption to OEL for review and approval. The request must include the following:²⁴

- Data which documents student achievement and learning gains, as measured by a state-approved pre- and postassessment.
- Data available from the respective ELC or district school board, DCF, local licensing authority, or an accrediting association, as applicable, relating to the provider’s compliance with state and local health and safety standards.
- Data available to OEL on the performance of the children served and the calculation of the provider’s kindergarten readiness rate.

A VPK provider that receives a good cause exemption must continue to implement its improvement plan and take corrective actions until the provider meets the minimum kindergarten readiness rate.²⁵ OEL must notify the applicable ELC of the good cause exemption, which remains valid for one year, and may be renewed upon request by the VPK provider.²⁶

A good cause exemption may not be granted to any VPK provider that has any class I violations or two or more class II violations within the 2 years preceding the provider’s request for an

¹⁷ Section 1002.67(4), F.S.

¹⁸ Section 1002.67(4)(c)1., F.S.

¹⁹ Florida Department of Education, *Fall 2017 FLKRS Results by District* (2018), available at <http://www.fldoe.org/core/fileparse.php/18494/urlt/Fall17FLKRSbyDistrict.xlsx>.

²⁰ *Id.*

²¹ Email, Office of Early Learning (Mar. 29, 2019).

²² Rule 6M-8.601(5)(b), F.A.C.

²³ Section 1002.67(4)(c)3., F.S.

²⁴ Section 1002.69(7)(b)-(c), F.S.

²⁵ Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

²⁶ Section 1002.69(7), F.S.

exemption.²⁷ Additionally, if a provider refuses to comply with program requirements or engages in misconduct, OEL must require the ELC or district school board to remove the provider from eligibility to deliver the VPK program for a period of 5 years.²⁸

VPK Instructor Requirements

Instructor Qualifications

A VPK provider offering a school-year VPK program must have, for each class, at least one instructor with the following credentials:²⁹

- A Child Development Associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition; or
- A credential approved by the Department of Children and Families as being equivalent to or greater than the CDA; and
- Five clock hours of training in emergent literacy and successful completion of a student performance standards training course.

In lieu of the minimum credentials listed above, a private VPK program instructor may hold:³⁰

- An associate's or higher degree in child development;
- An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of teaching or providing child care services for children any age from birth through 8 years of age;
- A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
- A bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the educator certificate is current; or
- An educational credential approved by the OEL as being equivalent to or greater than any of these educational credentials.

An instructor in a school-year VPK program implemented by a public school district must meet the same qualifications that are required of a private VPK program instructor, in addition to standard employment requirements for all instructional personnel in public schools.³¹ A school-year VPK program provider must have a second adult instructor for each class of 12 or more

²⁷ Section 1002.69(7)(d), F.S. DCF classifies licensing violations as class I, II, and III violations. Class I violations consist of conduct posing an imminent threat to a child. Class II violations pose a threat to the health, safety or well-being of a child, although the threat is not imminent. Rule 65C-22.010(1)(d), F.A.C.

²⁸ Section 1002.67(4)(b), F.S.

²⁹ Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), F.S. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential, Florida Department of Education Child Care Apprenticeship Certificate, or Early Childhood Professional Certificate satisfies the staff credential requirement. Florida Department of Children and Families, *Child Care Facility Handbook* (2017), incorporated by reference in Rule 65C-22.001(7), F.A.C.

³⁰ Section 1002.55(4), F.S.

³¹ Sections 1002.63(5)-(6), F.S.; see also Florida Department of Education, *Technical Assistance Paper: VPK Instructor Qualifications #07-01*, at 2 (Jan. 2007), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

students; however, the second instructor is not required to meet the same qualifications as the lead instructor.³²

Instructor Training

The OEL sets minimum standards for emergent literacy training courses for VPK instructors.³³ Each course must be at least 5 clock hours long and provide strategies and techniques regarding the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including:³⁴

- Oral communication;
- Knowledge of print and letters;
- Phonemic and phonological awareness; and
- Vocabulary and comprehension.

Each emergent literacy course must also provide strategies for helping students with disabilities and other special needs maximize their benefit from the VPK program.³⁵ In addition, the OEL must adopt minimum standards for training courses on the VPK performance standards for students.³⁶

OEL outlines a 5-Tier career pathway with certifications that require different levels of foundational training up to a bachelor's degree or higher.³⁷

Early Learning Florida, developed in partnership between the OEL and the Lastinger Center at the University of Florida, is a statewide professional learning system designed to support the development of early childhood professionals' knowledge and skills in effectively educating and caring for young children.³⁸ Since 2015, Early Learning Florida has delivered over 400,000 hours of online and blended training to more than 30,000 early childhood practitioners in Florida, at no cost to educators.³⁹ All Early Learning Florida courses and trainings provide teachers with Continuing Education Units that articulate to national and state credentials.⁴⁰

Next Generation Sunshine State Standards

The Next Generation Sunshine State Standards (NGSSS) establish the core curricula content to be taught in Florida and specify the core content knowledge and skills that K-12 public school students are expected to acquire.⁴¹ The standards must be rigorous and relevant to incrementally

³² Sections 1002.55(3)(f) and 1002.63(7), F.S.

³³ Section 1002.59(1), F.S.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Section 1002.59(2), F.S.

³⁷ Office of Early Learning, *Florida Early Care and Education Career Pathway*, available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/Career%20Pathway%20Revised_ADA.pdf.

³⁸ Early Learning Florida, *Who We Are*, <https://www.earlylearningflorida.com/about> (last visited Mar. 29, 2019).

³⁹ The Lastinger Center at the University of Florida, *Early Learning Florida*, <https://lastinger.center.ufl.edu/early-learning/early-learning-florida/> (last visited Mar. 29, 2019).

⁴⁰ *Id.*

⁴¹ Section 1003.41(1), F.S.

increase a student's core content knowledge and skills over time.⁴² The curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.⁴³ The standards applicable to students in grades 9 through 12 may be organized by grade clusters that include more than one grade level, except as otherwise provided for visual performing arts, physical education, health, and foreign language standards.⁴⁴

The State Board of Education (SBE) is responsible for adopting the NGSSS and subsequent revisions to such standards in rule.⁴⁵

III. Effect of Proposed Changes:

SB 1594 shifts the method for assessing Voluntary Prekindergarten Education Program (VPK) providers from a kindergarten readiness rate based on the results of a screening taken in kindergarten to a program score based on assessments and a screening taken during the VPK school year. The bill eliminates the connection between the kindergarten readiness screening and a student's VPK provider. The bill also:

- Revises the statewide kindergarten screening to conform to Next Generation Sunshine State Standards for K-12 public school students.
- Removes the Office of Early Learning's (OEL's) authority to adopt procedures to calculate the kindergarten readiness rate.
- Authorizes the Department of Education (DOE) to adopt procedures to calculate each public school's kindergarten readiness rate.

The bill requires the OEL to adopt a methodology for calculating each VPK provider's program score, which must include:

- Program assessment scores;
- Developmentally appropriate learning gain data from a pre-and post-VPK assessment; and
- The results of the statewide end-of-prekindergarten screening.

The bill maintains the responsibility of Early Learning Coalitions (ELCs) and school districts for regulating private and public VPK provider compliance at the county and regional levels. The bill enhances the education standards for VPK by:

- Adding mathematical thinking, early math skills, and executive functioning skills to the list of student skills required to be addressed in performance standards adopted by the OEL.
- Adding early math skills to the required curricula of a VPK provider.
- Requiring the OEL to adopt standards for training courses for VPK instructors on the performance standards of students.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Section 1003.41(3)-(4), F.S.

- Providing for a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom.
- Requiring each VPK provider to implement an evidence-based pre-and post-prekindergarten assessment to determine developmentally appropriate learning gains.
- Requiring the OEL and the DOE to adopt a statewide end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the OEL.
- Outlining consequences for a VPK provider who fails to attain the required minimum program score, including probation, corrective measures, suspension, and good cause exemptions.

VPK Instructor Training

The bill requires the OEL to develop and adopt standards for training courses on student performance standards relating to early literacy, numeracy, language, mathematical thinking, early math skills, and executive functioning skills, in addition to the skills required to be addressed in performance standards pursuant to existing law. The bill also requires the OEL to make professional development courses available that train prekindergarten instructors and increase the competency of teacher-child interactions. Each course must be comprised of at least 8 clock hours, provide instruction in strategies and techniques to address the age-appropriate progress of each child in attaining performance standards, and be available online.

VPK Assessments

The bill requires the State Board of Education to establish requirements for an individual to administer the assessments that make up the VPK provider program score, which include:

- The program assessment.
- The pre- and post-kindergarten assessment.
- The statewide end-of-prekindergarten screening.

Program Assessment

The bill requires each VPK provider to participate in a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years.

Classroom Pre- and Post-VPK Assessments

The bill requires each VPK provider to implement an evidence-based pre-and post-prekindergarten assessment to determine developmentally appropriate learning gains. The pre-and post-prekindergarten assessment must be approved by the State Board of Education. In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains that include, but are not limited to, early literacy, numeracy, and language.

End-of-Prekindergarten Screening

The bill requires the OEL and the DOE to adopt a statewide end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the OEL. The bill requires the OEL to require that each ELC or school district, as applicable, administer the statewide end-of-prekindergarten screening to each VPK student within the last thirty school days of a school-year VPK program, or within the last ten days of a summer VPK program.

The bill requires that the statewide end-of-prekindergarten screening provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the OEL. Data from the screening, along with other available data, must be used to identify students in need of intervention for reading deficiencies and support pursuant to s. 1008.25(5), F.S. Additionally, the bill requires the statewide end-of-prekindergarten screening to incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

The bill requires the DOE and the OEL to jointly:

- Review performance standards for the statewide end-of-prekindergarten screening and revise if necessary.
- Ensure a coordinated assessment system tracks the progress of VPK students through grade 2 in order to provide timely interventions and supports to students not meeting grade level expectations.

Program Score

The bill requires the OEL to establish a program score to measure the effectiveness of a VPK provider. Specifically, the bill requires the OEL to:

- Select an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems to develop the methodology with a weighted formula for calculating each provider's score.
- Adopt a minimum program score for a provider to maintain eligibility to provide VPK.
- Adopt procedures and a methodology for annually calculating each provider's program score, which must include:
 - Program assessment scores;
 - Developmentally appropriate learning gain data from the pre- and post-assessment; and
 - The results of the statewide end-of-prekindergarten screening.

Probation

If a VPK provider falls below the minimum program score, the bill requires the applicable ELC or school district to place the VPK provider on probation and require the VPK provider to:

- Submit an improvement plan for approval by the ELC or school district, as applicable, implement the plan; and
- Implement a curriculum approved by the OEL; or
- Implement a staff development plan to strengthen instruction in language development, phonological awareness, and mathematical thinking approved by the OEL.

The probation lasts until the VPK provider attains the minimum required program score. The failure to comply with the probation or attain the minimum program score after two years of probation must result in the VPK provider's suspension from the program for a period of two to five years, as determined by the applicable ELC or school district.

Good Cause Exemption

The bill authorizes the OEL to grant a VPK provider a good cause exemption from being determined ineligible to deliver the VPK program and receive state funds for the program.. The exemption is valid for one year and renewable. A request for a good cause exemption must include:

- Data from the VPK provider which documents the achievement and progress of the children served, as measured by any required screenings or assessments.
- Data from program assessments which demonstrates effective teaching practices as recognized by the program assessment tool developer.
- Data from the ELC or district school board, the Department of Children and Families, the local licensing authority, or an accrediting association, as applicable, relating to the VPK provider's compliance with state and local health and safety standards.

The bill requires the OEL to adopt criteria to consider when determining whether to grant a request for an exemption. The criteria must include:

- Learning gains of children served in VPK by the provider.
- Program assessment data which demonstrates effective teaching practices as recognized by the program assessment tool developer.
- Verification that local and state health and safety requirements are met.

The bill prohibits the OEL from granting a good cause exemption to any VPK provider that has any class I violations involving an imminent threat to the health, safety, or welfare of a student or two or more class II⁴⁶ violations involving an unreasonable risk to the health, safety, or welfare of a student within the two years preceding the provider's request for an exemption. The OEL is required to inform the applicable ELC or school district if an exemption is granted.

The OEL must require each applicable ELC or school district to suspend a provider who refuses to comply with VPK requirements or commits misconduct. The ELC or school district must suspend the provider's eligibility to provide VPK for a period of two to five years.

Statewide Kindergarten Screening

The bill revises the statewide kindergarten screening to conform to Next Generation Sunshine State Standards for K-12 public school students and authorizes the DOE to approve alternative kindergarten screening. The bill also:

- Maintains the requirement that each school district administer the kindergarten screening within the first thirty days of each school year.

⁴⁶ Class I and Class II violations are defined in s. 402.281(4), F.S.

- Adds the requirement to administer the kindergarten screening upon a student's enrollment into public school for the first time.
- Requires a school district to provide scores to teachers within one week and to parents within thirty days.
- Eliminates the authority for nonpublic schools to administer state kindergarten screening.
- Eliminates the requirement that a parent of a VPK student submit the student to the kindergarten readiness screening regardless of whether the child is enrolled in a public or private school.
- Requires a school to re-administer the kindergarten screening between 30-45 days before the end of the school year to students who did not meet the readiness level.

The bill requires the DOE to adopt procedures for identification of alternative kindergarten screenings that equate to the statewide kindergarten screening. The bill also requires the DOE to adopt procedures to calculate:

- A student's kindergarten readiness rate.
- The percentage of students at each school who scored below the kindergarten readiness level during the first 30 days of school who met the kindergarten readiness level by the end of the school year.
- The percentage of students at each school who did not meet the kindergarten readiness level by the end of the school year and who were promoted to first grade.

Data Collection and Storage

The bill requires data collected regarding the statewide end-of-prekindergarten screening and the kindergarten screening to be maintained in the DOE's PK-20 Education Data Warehouse.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The revised assessment and screening requirements specified in the bill will likely result in additional state costs. The additional training and professional development requirements will also likely result in additional costs to the Office of Early Learning. The fiscal impact of these additional requirements is currently indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.53, 1002.55, 1002.59, 1002.61, 1002.63, 1002.67, 1002.69, 1002.73, and 1002.75.

This bill creates the following sections of the Florida Statutes: 1002.68.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Harrell

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1 A bill to be entitled
 2 An act relating to the Voluntary Prekindergarten
 3 Education Program; amending s. 1002.53, F.S.;
 4 requiring a parent of a student enrolled in the
 5 Voluntary Prekindergarten Education Program to submit
 6 his or her student for a specified screening;
 7 conforming provisions to changes made by the act;
 8 amending s. 1002.55, F.S.; conforming provisions to
 9 changes made by the act; amending s. 1002.59, F.S.;
 10 requiring the Office of Early Learning to make
 11 available professional development and training
 12 courses that meet certain criteria; amending ss.
 13 1002.61 and 1002.63, F.S.; conforming provisions to
 14 changes made by the act; amending s. 1002.67, F.S.;
 15 requiring the office to develop performance standards
 16 for certain mathematical and executive functioning
 17 skills; requiring the Department of Education and the
 18 office to provide for a coordinated assessment system
 19 for specified purposes; conforming provisions to
 20 changes made by the act; creating s. 1002.68, F.S.;
 21 requiring each private prekindergarten provider and
 22 public school participating in the program to
 23 participate in a program assessment; providing
 24 requirements for such assessment; requiring the office
 25 and department to develop a statewide end-of-
 26 prekindergarten screening for specified purposes;
 27 providing requirements for such screening; requiring
 28 certain data to be stored in a specified department
 29 data warehouse; requiring the office to calculate a

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30 program score for each private prekindergarten
 31 provider and public school participating in the
 32 program; requiring the office to establish a minimum
 33 program score that such providers and schools must
 34 meet; providing requirements for such providers and
 35 schools that do not meet such score; authorizing the
 36 office to grant good cause exemptions to private
 37 prekindergarten providers and public schools that meet
 38 certain criteria; providing requirements for such good
 39 cause exemptions; amending s. 1002.69, F.S.; revising
 40 the standards used to establish the statewide
 41 kindergarten screening; requiring certain screenings
 42 to be administered to students who enroll in a public
 43 school for the first time; providing reporting
 44 requirements for such screening; providing for
 45 screenings to be re-administered to certain students;
 46 providing requirements for screenings that are re-
 47 administered; requiring the department, rather than
 48 the office, to calculate each public school's
 49 kindergarten readiness rate; revising the requirements
 50 for such calculation; requiring certain data to be
 51 stored in a specified department data warehouse;
 52 conforming provisions to changes made by the act;
 53 amending s. 1002.73, F.S.; requiring the department to
 54 adopt procedures for the identification of an
 55 alternate kindergarten screening; conforming
 56 provisions to changes made by the act; amending s.
 57 1002.75, F.S.; conforming provisions to changes made
 58 by the act; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5) of section 1002.53, Florida Statutes, is amended, and paragraph (d) is added to subsection (6) of that section, to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the Office of Early Learning. The profiles must include, at a minimum, the following information about each provider and school:

(b) The provider's or school's program score kindergarten readiness rate calculated in accordance with s. 1002.68 ~~or 1002.69, based upon the most recent available results of the statewide kindergarten screening.~~

(6)

(d) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must submit his or her child for the statewide end-of-prekindergarten screening administered pursuant to s. 1002.68.

Section 2. Subsection (6) is added to section 1002.55, Florida Statutes, to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

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(6) Each early learning coalition must verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. If a private prekindergarten provider fails or refuses to comply with this part, or if a provider engages in misconduct, the office shall require the early learning coalition to remove the provider from eligibility to deliver the program and receive state funds under this part for a period of at least 2 years and up to 5 years.

Section 3. Section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses and professional development.—

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).

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(2) The office shall adopt minimum standards for one or more training courses on the performance standards adopted under s. 1002.67(1) and the domains listed in s. 1002.68(1)(b), which must include, but not be limited to, training relating to mathematical thinking and executive functioning. Each course must ~~be comprised of~~ comprise at least 3 clock hours, provide instruction in strategies and techniques to address age-appropriate progress of each child in attaining the standards, and be available online.

(3) The office shall make available professional development and training courses that support prekindergarten instructors in increasing the competency of teacher-child interactions. Each course must be comprised of at least 8 clock hours, provide instruction in strategies and techniques to address the age-appropriate progress of each child in attaining the standards, and be available online.

Section 4. Subsection (9) is added to section 1002.61, Florida Statutes, to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(9) (a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the office shall require the early

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learning coalition to remove the provider or require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of at least 2 years and up to 5 years.

Section 5. Subsection (9) is added to section 1002.63, Florida Statutes, to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(9) (a) Each district school board shall verify that each public school delivering the Voluntary Prekindergarten Education Program within the school district complies with this part.

(b) If a public school fails or refuses to comply with this part, or if a school engages in misconduct, the office shall require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of at least 2 years and up to 5 years.

Section 6. Section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards ~~and~~ curricula ~~and~~ accountability.—

(1) (a) The office shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

1. The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; ~~and~~
2. Emergent literacy skills, including oral communication,

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175 knowledge of print and letters, phonemic and phonological
176 awareness, and vocabulary and comprehension development;

177 3. Mathematical thinking and early math skills; and

178 4. Executive functioning skills.

179
180 ~~By October 1, 2013, the office shall examine the existing~~
181 ~~performance standards in the area of mathematical thinking and~~
182 ~~develop a plan to make appropriate professional development and~~
183 ~~training courses available to prekindergarten instructors.~~

184 (b) At least every 3 years, the office and the department
185 shall jointly periodically review and, if necessary, revise the
186 performance standards for the statewide end-of-prekindergarten
187 kindergarten screening administered under s. 1002.68(3)(a) s.
188 1002.69 and align the standards to the standards established by
189 the state board for student performance on the statewide
190 assessments administered pursuant to s. 1008.22. The office and
191 the department shall ensure that there is a coordinated
192 assessment system that allows for tracking the progress of
193 students in the Voluntary Prekindergarten Education Program
194 through grade 2 in order to provide timely interventions and
195 supports to students not meeting grade level expectations.

196 (2) (a) Each private prekindergarten provider and public
197 school may select or design the curriculum that the provider or
198 school uses to implement the Voluntary Prekindergarten Education
199 Program, except as otherwise required for a provider or school
200 that is placed on probation under paragraph (4) (c).

201 (b) Each private prekindergarten provider's and public
202 school's curriculum must be developmentally appropriate and
203 must:

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204 1. Be designed to prepare a student for early literacy and
205 provide for instruction in early math skills;

206 2. Enhance the age-appropriate progress of students in
207 attaining the performance standards adopted by the department
208 under subsection (1); and

209 3. Prepare students to be ready for kindergarten based upon
210 the statewide end-of-prekindergarten screening statewide
211 kindergarten screening administered under s. 1002.68 s. 1002.69.

212 (c) The office shall review and approve curricula for use
213 by private prekindergarten providers and public schools that are
214 placed on probation under paragraph (4) (c). The office shall
215 maintain a list of the curricula approved under this paragraph.
216 Each approved curriculum must meet the requirements of paragraph
217 (b).

218 ~~(3) (a) Contingent upon legislative appropriation, each~~
219 ~~private prekindergarten provider and public school in the~~
220 ~~Voluntary Prekindergarten Education Program must implement an~~
221 ~~evidence-based pre- and post-assessment that has been approved~~
222 ~~by rule of the State Board of Education.~~

223 ~~(b) In order to be approved, the assessment must be valid,~~
224 ~~reliable, developmentally appropriate, and designed to measure~~
225 ~~student progress on domains which must include, but are not~~
226 ~~limited to, early literacy, numeracy, and language.~~

227 ~~(c) The pre- and post-assessment must be administered by~~
228 ~~individuals meeting requirements established by rule of the~~
229 ~~State Board of Education.~~

230 ~~(4) (a) Each early learning coalition shall verify that each~~
231 ~~private prekindergarten provider delivering the Voluntary~~
232 ~~Prekindergarten Education Program within the coalition's county~~

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or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the office shall require the early learning coalition to remove the provider and require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of 5 years.

(c) 1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the office as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan; shall place the provider or school on probation; and shall require the provider or school to take certain corrective actions, including the use of a curriculum approved by the office under paragraph (2)(c) or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office.

2. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 1., including the use of a curriculum or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office, until the provider or school meets the minimum rate

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adopted by the office as satisfactory under s. 1002.69(6). Failure to implement an approved improvement plan or staff development plan shall result in the termination of the provider's contract to deliver the Voluntary Prekindergarten Education Program for a period of 5 years.

3. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the office as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the office pursuant to s. 1002.69(7), the office shall require the early learning coalition or the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of 5 years.

(d) Each early learning coalition and the office shall coordinate with the Child Care Services Program Office of the Department of Children and Families to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness program under part VI of this chapter, and the licensing of providers under ss. 402.301-402.319.

Section 7. Section 1002.68, Florida Statutes, is created to read:

1002.68 Voluntary Prekindergarten Education Program Accountability.-

(1) (a) Each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program must implement an evidence-based pre- and post-

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assessment that can be used for determining developmentally appropriate learning gains and that has been approved by rule of the State Board of Education.

(b) In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains that include, but are not limited to, early literacy, numeracy, and language.

(c) The pre- and post-assessment must be administered by individuals meeting requirements established by rule of the state board.

(2) (a) Each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must participate in a program assessment of each voluntary prekindergarten education classroom. The program assessment shall measure the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years.

(b) The program assessment must be administered by individuals meeting requirements established by rule of the state board.

(3) (a) The office and the department shall adopt a statewide end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted under s. 1002.67(1) for the Voluntary Prekindergarten Education Program. The office shall require that each early learning coalition or school district administer the statewide end-of-prekindergarten screening to each prekindergarten student in the Voluntary Prekindergarten

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Education Program within the last 30 school days of a school-year prekindergarten program and within the last 10 days of a summer prekindergarten program.

(b) The statewide end-of-prekindergarten screening shall provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1). Data from the screening, along with other available data, must be used to identify students in need of intervention and support pursuant to s. 1008.25(5).

(c) The statewide end-of-prekindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

(d) The statewide end-of-prekindergarten screening must be administered by individuals meeting requirements established by rule of the state board.

(4) Data collected pursuant to this section must be maintained in the department's PK-20 Education Data Warehouse.

(5) (a) The office shall adopt a methodology for calculating each provider's program score, which must include program assessment scores, developmentally appropriate learning gain data from the pre- and post-assessment under subsection (1), and the results of the statewide end-of-prekindergarten screening. The office shall select an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems to develop the methodology, which must include a weighted formula, for calculating each provider's score.

(b) The office shall adopt procedures to annually calculate

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each private prekindergarten provider's and public school's program score based on the methodology adopted in paragraph (a).

(c) The office shall periodically adopt a minimum program score that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the Voluntary Prekindergarten Education Program.

(6) (a) If a private prekindergarten provider's or public school's program score falls below the minimum program score, the early learning coalition or school district, as applicable, shall:

1. Require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan;

2. Place the provider or school on probation; and

3. Require the provider or school to take certain corrective actions, including the use of a curriculum approved by the office under s. 1002.67(2)(c) or a staff development plan to strengthen instruction in language development, phonological awareness, and mathematical thinking approved by the office.

(b) A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under paragraph (a) until the provider or school meets the minimum program score adopted by the office. Failure to meet the requirements of subparagraphs (a)1. and 3. shall result in the termination of the provider's or school's contract to deliver the Voluntary Prekindergarten Education Program for a period of at least 2 years and up to 5 years.

(c) If a private prekindergarten provider or public school

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remains on probation for 2 consecutive years and fails to meet the minimum program score or is not granted a good cause exemption by the office, the office shall require the early learning coalition or the school district to revoke the provider's or school's eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of at least 2 years and up to 5 years.

(7) (a) The office, upon the request of a private prekindergarten provider or public school that remains on probation for at least 2 consecutive years and subsequently fails to meet the minimum program score adopted pursuant to paragraph (5)(c), and for good cause shown, may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.

(b) A private prekindergarten provider's or public school's request for a good cause exemption, or renewal of such an exemption, must be submitted to the office in the manner and within the timeframes prescribed by the office and must include the following:

1. Data from the private prekindergarten provider or public school which documents the achievement and progress of the children served, as measured by any required screenings or assessments.

2. Data from the program assessment data required under paragraph (2)(a) which demonstrates effective teaching practices

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as recognized by the program assessment tool developer.

3. Data from the early learning coalition or district school board, as applicable, the Department of Children and Families, the local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider's or public school's compliance with state and local health and safety standards.

(c) The office shall adopt criteria for granting good cause exemptions. Such criteria must include, but is not limited to, all of the following:

1. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school.

2. Program assessment data under paragraph (2)(a) which demonstrates effective teaching practices as recognized by the program assessment tool developer.

3. Verification that local and state health and safety requirements are met.

(d) A good cause exemption may not be granted to any private prekindergarten provider or public school that has any class I violations or two or more class II violations within the 2 years preceding the provider's or school's request for the exemption. For purposes of this paragraph, class I and class II violations have the same meaning as provided in s. 402.281(4).

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under subsection (6) until the provider or school meets the minimum program score.

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(f) If a good cause exemption is granted to a private prekindergarten provider or public school that remains on probation for 2 consecutive years, the office shall notify the early learning coalition or school district of the good cause exemption and direct that the coalition or school district not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 8. Section 1002.69, Florida Statutes, is amended to read:

1002.69 Statewide kindergarten screening and ~~kindergarten readiness rates; state approved prekindergarten enrollment screening; good cause exemption.~~

(1) The department shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1003.41 ~~s. 1002.67(1) for the Voluntary Prekindergarten Education Program.~~ The department shall require that each school district administer the statewide kindergarten screening or an alternative kindergarten screening approved by the department to each kindergarten student in the school district within the first 30 school days of each school year or upon enrollment into public school for the first time. Each school district must provide a student's performance results to the student's teachers within 1 week and to the student's parents no later than 30 days after the administration. ~~Nonpublic schools may administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who~~

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465 ~~was enrolled in the Voluntary Prekindergarten Education Program.~~

466 (2) ~~The statewide kindergarten screening shall provide~~
 467 ~~objective data concerning each student's readiness for~~
 468 ~~kindergarten and progress in attaining the performance standards~~
 469 ~~adopted by the office under s. 1002.67(1).~~ Data from the
 470 screening, along with other available data, must be used to
 471 identify students in need of intervention and support pursuant
 472 to s. 1008.25(5).

473 (3) The statewide kindergarten screening shall incorporate
 474 mechanisms for recognizing potential variations in kindergarten
 475 readiness rates for students with disabilities.

476 (4) School districts must re-administer the statewide
 477 screening or an alternative kindergarten screening approved by
 478 the department no sooner than the last 45 days of school and no
 479 later than the last 30 days of school to all students who did
 480 not score above the readiness level. School districts must
 481 provide a student's performance results to the student's
 482 teachers within 1 week and to the student's parents no later
 483 than 30 days after the administration ~~Each parent who enrolls~~
 484 ~~his or her child in the Voluntary Prekindergarten Education~~
 485 ~~Program must submit the child for the statewide kindergarten~~
 486 ~~screening, regardless of whether the child is admitted to~~
 487 ~~kindergarten in a public school or nonpublic school. Each school~~
 488 ~~district shall designate sites to administer the statewide~~
 489 ~~kindergarten screening for children admitted to kindergarten in~~
 490 ~~a nonpublic school.~~

491 (5) The department office shall adopt procedures to
 492 annually calculate:

493 (a) Each private prekindergarten provider's and public

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494 school's kindergarten readiness rate, which must be expressed as
 495 the percentage of the ~~provider's or~~ school's students who are
 496 assessed as ready for kindergarten.

497 (b) The percentage of students at each school who scored
 498 below the kindergarten readiness level during the first 30 days
 499 of school who met the kindergarten readiness level by the end of
 500 the school year.

501 (c) The percentage of students at each school who did not
 502 meet the kindergarten readiness level by the end of the school
 503 year and who were promoted to first grade ~~The methodology for~~
 504 ~~calculating each provider's kindergarten readiness rate must~~
 505 ~~include student learning gains when available and the percentage~~
 506 ~~of students who meet all state readiness measures. The rates~~
 507 ~~must not include students who are not administered the statewide~~
 508 ~~kindergarten screening. The office shall determine learning~~
 509 ~~gains using a value-added measure based on growth demonstrated~~
 510 ~~by the results of the preassessment and postassessment from at~~
 511 ~~least 2 successive years of administration of the preassessment~~
 512 ~~and postassessment.~~

513 (6) Data collected pursuant to this section must be
 514 maintained in the department's PK-20 Education Data Warehouse
 515 ~~The office shall periodically adopt a minimum kindergarten~~
 516 ~~readiness rate that, if achieved by a private prekindergarten~~
 517 ~~provider or public school, would demonstrate the provider's or~~
 518 ~~school's satisfactory delivery of the Voluntary Prekindergarten~~
 519 ~~Education Program.~~

520 ~~(7) (a) Notwithstanding s. 1002.67(4)(c)3., the office, upon~~
 521 ~~the request of a private prekindergarten provider or public~~
 522 ~~school that remains on probation for 2 consecutive years or more~~

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and subsequently fails to meet the minimum rate adopted under subsection (6) and for good cause shown, may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.

(b) A private prekindergarten provider's or public school's request for a good cause exemption, or renewal of such an exemption, must be submitted to the office in the manner and within the timeframes prescribed by the office and must include the following:

1. Submission of data by the private prekindergarten provider or public school which documents the achievement and progress of the children served as measured by the state-approved prekindergarten enrollment screening and the standardized postassessment approved by the office pursuant to subparagraph (c)1.

2. Submission and review of data available from the respective early learning coalition or district school board, the Department of Children and Families, local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider's or public school's compliance with state and local health and safety standards.

3. Submission and review of data available to the office on the performance of the children served and the calculation of the private prekindergarten provider's or public school's

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kindergarten readiness rate.

(c) The office shall adopt criteria for granting good cause exemptions. Such criteria shall include, but are not limited to:

1. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school.

2. Verification that local and state health and safety requirements are met.

(d) A good cause exemption may not be granted to any private prekindergarten provider that has any class I violations or two or more class II violations within the 2 years preceding the provider's or school's request for the exemption. For purposes of this paragraph, class I and class II violations have the same meaning as provided in s. 402.281(4).

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under s. 1002.67(4)(c)1., including the use of a curriculum approved by the office, until the provider or school meets the minimum rate adopted under subsection (6).

(f) If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the office shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(4)(c)3., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

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581 Section 9. Paragraphs (d) and (g) of subsection (2) of
 582 section 1002.73, Florida Statutes, are amended to read:
 583 1002.73 Department of Education; powers and duties;
 584 accountability requirements.—
 585 (2) The department shall adopt procedures for its:
 586 (d) Identification of alternative kindergarten screenings
 587 that equate to the statewide kindergarten screening established
 588 under s. 1002.69(1) Implementation of, and determination of
 589 costs associated with, the state-approved prekindergarten
 590 enrollment screening and the standardized postassessment
 591 approved by the department, and determination of the learning
 592 gains of students who complete the state-approved
 593 prekindergarten enrollment screening and the standardized
 594 postassessment approved by the department.
 595 ~~(g) Granting of a private prekindergarten provider's or~~
 596 ~~public school's request for a good cause exemption under s.~~
 597 ~~1002.69(7).~~
 598 Section 10. Paragraph (e) of subsection (2) and paragraphs
 599 (a), (b), and (c) of subsection (3) of section 1002.75, Florida
 600 Statutes, are amended to read:
 601 1002.75 Office of Early Learning; powers and duties.—
 602 (2) The Office of Early Learning shall adopt procedures
 603 governing the administration of the Voluntary Prekindergarten
 604 Education Program by the early learning coalitions and school
 605 districts for:
 606 (e) Verifying the compliance of private prekindergarten
 607 providers and public schools and removing providers or schools
 608 from eligibility to deliver the program due to noncompliance or
 609 misconduct as ~~provided in s. 1002.67.~~

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610 (3) The Office of Early Learning shall adopt, in
 611 consultation with and subject to approval by the department,
 612 procedures governing the administration of the Voluntary
 613 Prekindergarten Education Program by the early learning
 614 coalitions and school districts for:
 615 (a) Approving improvement plans of private prekindergarten
 616 providers and public schools under s. 1002.68 ~~s. 1002.67.~~
 617 (b) Placing private prekindergarten providers and public
 618 schools on probation and requiring corrective actions under s.
 619 1002.68 ~~s. 1002.67.~~
 620 (c) Removing a private prekindergarten provider or public
 621 school from eligibility to deliver the program due to the
 622 provider's or school's remaining on probation beyond the time
 623 permitted under s. 1002.68 ~~s. 1002.67.~~ Notwithstanding any other
 624 provision of law, if a private prekindergarten provider has been
 625 cited for a class I violation, as defined by rule, the coalition
 626 may refuse to contract with the provider or revoke the
 627 provider's eligibility to deliver the Voluntary Prekindergarten
 628 Education Program.
 629 Section 11. This act shall take effect July 1, 2019.

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