A bill to be entitled
An act relating to education; amending 1001.10, F.S.,
authorizing the Commissioner of Education to
coordinate resources during an emergency; amending
1001.51, F.S.; revising the authority of
superintendents to organize schools; amending 1013.28,
F.S., requiring school districts to provide charter
schools access to surplus property on the same basis
as public schools; amending 1008.22, F.S., requiring
reading passages and writing prompts for ELA
assessments to include social studies content;
requiring paper assessments for specified grades in
specified subjects; requiring published assessment
items to be in a format that facilitates sharing of
assessment items; amending s. 1002.33, F.S.,
clarifying the criteria for reviewing high-performing
charter school system applications; revising
requirements for charter terminations; revising the
process for resolving contractual disputes; amending
1012.562, F.S., authorizing charter schools and
charter management organizations to offer school
leader preparation programs; amending 1011.6202, F.S.;
renaming the Principal Autonomy Pilot Program
Initiative; expanding the pilot statewide; creating
district-independent autonomous schools; amending
1007.271, F.S.; removing requirement for home education students to provide instructional materials; removing requirement for provision governing compensation of postsecondary institution by a private school; amending 1012.98, F.S.; requiring professional development resources to include sample course-at-a-glance and unit overview templates; amending 1002.331, F.S.; revising criteria for high-performing charter school status; revising provision for determining facility capacity; revising the number of schools that can be established by a high-performing charter school; amending 1006.07, F.S.; revising district school board duties to include security risk assessments; requiring certain self-assessments to be in a specified format; amending 1012.32, F.S.; requiring district school board to notify charter school of eligibility status of employees; creating 1002.411, F.S.; establishing reading scholarship accounts for specified purposes; providing for eligibility for scholarships under the program; providing for administration; providing duties of the Department of Education; providing school district obligations; specifying options for parents; providing that maximum funding shall be specified in the General Appropriations Act; providing for payment of funds;
specifying that no state liability arises from the award or use of such an account; amending 1002.385, F.S.; revising eligible expenditures; conforming provisions to changes by the act; amending 1002.421, F.S.; providing private school requirements for participation in educational scholarship programs; providing background screening requirements and procedures for owners of private schools; providing that a private school is ineligible to participate in an educational scholarship program under certain circumstances; providing the Department of Education obligations relating to education scholarship programs; providing Commissioner of Education authority and responsibilities for educational scholarship programs; authorizing the commissioner to deny, suspend, or revoke a private school's participation in an educational scholarship program; amending 1002.39, F.S.; conforming provisions to changes by the act; amending 1002.395, F.S.; conforming provisions to changes by the act; revising requirements for report of participating students; amending 1002.37, F.S.; requiring school districts to provide Florida Virtual School students access to certain assessments; amending 1011.62, F.S.; prohibiting bonuses to teachers who fail to maintain
Be It Enacted by the Legislature of the State of Florida:

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

1001.10 Commissioner of Education; general powers and duties.—

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

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

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

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

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

1. The contract between the independent governing board and the school board; and
2. The exemptions from law as provided in s. 1011.6202(3)(a) and (b).

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

(c) A school operated by the independent governing board may be either a private or a public employer. As a public employer, the school may participate in the Florida Retirement System upon application and approval as a covered group under s. 121.021(34). If the school participates in the Florida Retirement System, the school’s employees shall be compulsory members of the Florida Retirement System.

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

1013.28 Disposal of property.—
(2) TANGIBLE PERSONAL PROPERTY.—
(a) Tangible personal property that has been properly
classified as surplus by a district school board or Florida College System institution board of trustees shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board. Tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district.

Section 4. Paragraph (a) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—
(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be
used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) Statewide, standardized comprehensive assessments.—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. Reading passages and writing
prompts for ELA assessments shall incorporate grade level core curricula content from Social Studies be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9).

(d) Implementation schedule.—

1. The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing; however, the following assessments must be delivered in a
computer-based format, as follows: the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year. Notwithstanding the requirements of this subparagraph, statewide, standardized ELA and mathematics assessments in grades 3 through 8 must be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper based no later than the 2018-2019 school year.

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

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

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

Section 5. Paragraph (b) of subsection (6) and subsections (7), (8) and (20) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

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

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses.

Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a
charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

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

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

3.a. A sponsor shall by a majority vote approve or deny an
application no later than 90 calendar days after the application
is received, unless the sponsor and the applicant mutually agree
in writing to temporarily postpone the vote to a specific date,
at which time the sponsor shall by a majority vote approve or
deny the application. If the sponsor fails to act on the
application, an applicant may appeal to the State Board of
Education as provided in paragraph (c). If an application is
denied, the sponsor shall, within 10 calendar days after such
denial, articulate in writing the specific reasons, based upon
good cause, supporting its denial of the application and shall
provide the letter of denial and supporting documentation to the
applicant and to the Department of Education.

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

(I) The application does not materially comply with the
requirements in paragraph (a), or for a high-performing charter
school system, the application does not materially comply with
(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

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

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

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

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.
c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

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

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

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

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

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

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

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

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

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:
   a. How the baseline student academic achievement levels and prior rates of academic progress will be established.
   b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.
   c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may also choose not to renew or may terminate the charter based upon clear and convincing evidence that for any of the following grounds:

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

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

3. Material violation of law.

4. Other good cause shown.

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

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

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

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

(20) SERVICES.—

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

Section 6. Paragraph (a) of subsection (2) and subsection (3) of section 1012.562, Florida Statutes, is amended to read:
1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs may be offered by school districts or postsecondary institutions and lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs may be offered by school districts, build upon Level I training, and lead to renewal certification as a school principal.

(2) LEVEL I PROGRAMS.—

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

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

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

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

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

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

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

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

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

3. Satisfactorily performed instructional leadership responsibilities as measured by the evaluation system in s. 1012.34.
(b) Demonstrate that the Level II program:

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

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

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

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

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

Section 7. Subsection (1), paragraph (a) of subsection (2), and subsections (4), (5), (6), and (7) of section 1011.6202, Florida Statutes, are amended to read:

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

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

(2) PRINCIPAL AUTONOMY PROPOSAL.—

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

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

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

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

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

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

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

(3) EXEMPTION FROM LAWS.—

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

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

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

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

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

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

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

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

7. Section 1003.03, governing maximum class size, except
that the calculation for compliance pursuant to s. 1003.03 is
the average at the school level for a participating school.
8. Sections 1012.22(1)(c) and 1012.27(2), relating to compensation and salary schedules.

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

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

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

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

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

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

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

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

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

(b) For the purposes of tort liability, the independent governing board, autonomous school, and its employees or agents...
shall be governed by s. 768.28. The school board shall not be liable for civil damages under state law for the employment actions or personal injury, property damage, or death resulting from an act or omission of an independent governing board, autonomous school, and its employees or agents.

(c) An autonomous school may be either a private or a public employer. As a public employer, the autonomous school may participate in the Florida Retirement System upon application and approval as a covered group under s. 121.021(34). If an autonomous school participates in the Florida Retirement System, the school's employees shall be compulsory members of the Florida Retirement System.

(6) TERM OF PARTICIPATION.—The state board shall authorize a school district to participate in the pilot program for a period of 3 years commencing with approval of the principal autonomy proposal. Authorization to participate in the pilot program may be renewed upon action of the state board. The state board may revoke authorization to participate in the pilot program if the school district fails to meet the requirements of this section during the 3-year period.

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

(7) FUNDING.—Subject to an annual appropriation, the Legislature shall provide an appropriation to the department shall fund for the costs of the pilot program to include the, including administrative costs and enrollment costs for the nationally recognized school turnaround program required in subsection (4), and an additional amount not to exceed of $10,000 for each participating principal in each participating district as an annual salary supplement for three years, a fund for the principal's school to be used at the principal's discretion, or both, as determined by the district. To be eligible for a salary supplement under this subsection, a participating principal must:

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

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

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

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

1007.271  Dual enrollment programs.—
(13) (a) The dual enrollment program for a home education
student, including, but not limited to, students with
disabilities, consists of the enrollment of an eligible home
education secondary student in a postsecondary course creditable
toward an associate degree, a career certificate, or a
baccalaureate degree. To participate in the dual enrollment
program, an eligible home education secondary student must:
1. Provide proof of enrollment in a home education program
pursuant to s. 1002.41.
2. Be responsible for his or her own instructional materials
and transportation unless provided for in the articulation
agreement.
3. Sign a home education articulation agreement pursuant to
paragraph (b).
(b) Each postsecondary institution eligible to participate in
the dual enrollment program pursuant to s. 1011.62(1)(i) must
enter into a home education articulation agreement with each
home education student seeking enrollment in a dual enrollment
course and the student's parent. By August 1 of each year, the
eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

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

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

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

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

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must 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, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement.
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.

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

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

1012.98 School Community Professional Development Act.—
(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant
content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance. Professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build to students' mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. At a minimum, each template must:

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

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

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

(d) Illustrate the interdependence of grade level expectations within and across content areas within a grade.
Section 10. Subsections (1) and (2) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

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

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

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

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

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply for the most recent 2 fiscal years if the charter school earns two

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CODING: Words stricken are deletions; words underlined are additions.
consecutive grades of "A".

A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

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

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

(b) Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established in paragraph (a).

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new
enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

(3)

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

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

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

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school
district shall use the Safety and Security Best Practices
developed by the Office of Program Policy Analysis and
Government Accountability to conduct a security risk assessment
at each public school and conduct a self-assessment of the
school districts' current safety and security practices using a
format prescribed by the department. Based on these assessment
self-assessment findings, the district school superintendent
shall provide recommendations to the district school board which
identify strategies and activities that the district school
board should implement in order to improve school safety and
security. Annually, each district school board must receive such
findings and the superintendent's recommendations the self-
assessment results at a publicly noticed district school board
meeting to provide the public an opportunity to hear the
district school board members discuss and take action on the
report findings and recommendations. Each district school
superintendent shall report such findings the self-assessment
results and school board action to the commissioner within 30
days after the district school board meeting.

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

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

Section 13. Paragraph (b) of subsection (2) of section 12.32, Florida Statutes, is amended to read:

12.32 Qualifications of personnel.—

(2)

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 102.33(12)(g), must, upon employment, engagement of services, or appointment, undergo background screening as required under s. 102.465 or s. 102.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

Fingerprints shall be submitted to the Department of Law Enforcement for criminal history checks.
Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. If the district school board does not notify the charter school of the eligibility of governing board members and instructional and noninstructional personnel within 14 days, it shall waive the cost of background screening.

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

1002.411 Reading scholarship accounts.—
(1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship accounts are established to provide educational options for students.
(2) ELIGIBILITY.—Contingent upon available funds, and on a
first-come, first-served basis, a student enrolled in a Florida public school is eligible for a scholarship under this program if the student scored a Level 1 or Level 2 on the grade 3 statewide, standardized English Language Arts assessment.  

(3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

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

1. Submit an application to an eligible scholarship funding organization by the deadline established by the scholarship funding organization; and

2. Submit eligible expenses to the scholarship funding organization for reimbursement of qualifying expenditures which may include:

a. Instructional materials.

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

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

d. Fees for summer education programs.
e. Fees for after-school education programs.

f. 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:

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

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

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

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

   (V) 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.

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

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the reading 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 reading scholarship...
(b) The parent is responsible for the payment of all eligible expenses in excess of the amount in the account in accordance with the terms agreed to between the parent and the providers and may not receive any refund or rebate of any expenditures made in accordance with paragraph (a).

(4) ADMINISTRATION.—A scholarship funding organization participating in the Florida Tax Credit Scholarship Program established by s. 1002.395 may establish Reading Scholarship accounts for eligible students in accordance with the requirements of scholarship funding organizations under this chapter.

(5) DEPARTMENT OBLIGATIONS.—The department shall have the same duties imposed by this chapter upon the department regarding oversight of scholarship programs administered by a scholarship funding organization.

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

(7) ACCOUNT FUNDING AND PAYMENT.—

(a) The maximum amount granted for an eligible student shall be provided in the General Appropriations Act.
(b) One hundred percent of the funds appropriated for the program shall be released to the department at the beginning of the first quarter of each fiscal year.

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

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

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

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization.
frequently than on a quarterly basis.

(g) In addition to funds appropriated for scholarship awards and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship award from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarship awards.

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

(i)1. A student's scholarship account must be closed and any remaining funds, including, but not limited to, contributions made to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds, shall
revert to the state after:

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

b. Three consecutive fiscal years in which an account has been inactive.

(8) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a Reading Scholarship Account.

Section 15. Subsections (2), (5), (8), (10) and (11) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

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

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

(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:

(a) 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.

(b) Curriculum as defined in paragraph (2)(b).

(c) 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:

1. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

2. Services provided by speech-language pathologists as defined in s. 468.1125.

3. Occupational therapy services as defined in s. 468.203.

4. Services provided by physical therapists as defined in s. 486.021.

5. 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.

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

(e) Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

(f) Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981, for the benefit of the eligible student.

(g) Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (4).

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).
(i) Fees for specialized summer education programs.

(j) Fees for specialized after-school education programs.

(k) Transition services provided by job coaches.

(l) Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(c), if this option is chosen for a home education student.

(m) Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55 and school readiness providers approved pursuant to s. 1002.88.

(n) Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.

(o) 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.

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.

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

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

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

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

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

2. Annually administering or making 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 shall report a student's scores to the parent.

3. Administer Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.
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 and must-

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

d. Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school’s physical location.

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

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

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

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

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

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

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

(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
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 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) paragraph (8)(c);
   b. Providing an annual evaluation in accordance with s.
   1002.41(1)(c); 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 the provider or school if those options are selected by the parent.

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

Section 16. Section 1002.421, Florida Statutes, is amended to read:

1002.421 Accountability of private schools participating in State school choice scholarship programs accountability and oversight.—

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

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

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

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

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

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

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

(f) Demonstrate fiscal soundness and accountability by:

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

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

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

1. Firesafety.
2. Building safety.

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

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

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

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

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

(m)(i) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

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

2. The costs of fingerprinting and the background check shall not be borne by the state.
3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

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

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

6. (b) The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph paragraph (a). Any arrest record that is identified with the retained fingerprints of a person subject to the background screening under this section shall be reported to the employing school with which the person is affiliated. Each private school participating in a
7. (e) Employees and contracted personnel whose fingerprints are not retained by the Department of Law Enforcement under subparagraphs 5. and 6. paragraphs (a) and (b) are required to be refingerprinted and must meet state and national background screening requirements upon reemployment or reengagement to provide services in order to comply with the requirements of this section.

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

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

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

(n)(b) Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or
welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(o) Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.
(p) Require each owner or operator of the private school, prior to employment or engagement to provide services to undergo level 2 background screening as provided under chapter 435. For purposes of this paragraph, an "owner or operator" includes an owner, operator, superintendent, or principal of, or a person with equivalent decisionmaking authority over, a private school participating in a scholarship program established pursuant to this chapter. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and can be taken by an authorized law enforcement agency or a private company who is trained to take fingerprints. However, the complete set of fingerprints of an owner or operator may not be taken by the owner or operator. The owner or operator shall provide a copy of the results of the state and national criminal history check to the Department of Education. The cost of the background screening may be borne by the owner or operator.

1. Every 5 years following employment or engagement to provide services, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the owner or operator shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 3., the owner or operator must electronically file a complete set of fingerprints with the
Department of Law Enforcement. Upon submission of fingerprints for this purpose, the owner or operator shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 3.

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

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

4. An owner or operator who fails the level 2 background screening is not eligible to provide scholarships under this section.
6. In addition to the offenses listed in s. 435.04, a person required to undergo background screening pursuant to this part or authorizing statutes must not have an arrest awaiting final disposition for, must not have been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, and must not have been adjudicated delinquent, and the record must not have been sealed or expunged for, any of the following offenses or any similar offense of another jurisdiction:

a. Any authorizing statutes, if the offense was a felony.
b. This chapter, if the offense was a felony.
c. Section 409.920, relating to Medicaid provider fraud.
d. Section 409.9201, relating to Medicaid fraud.
e. Section 741.28, relating to domestic violence.
f. Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
g. Section 817.234, relating to false and fraudulent insurance claims.
h. Section 817.505, relating to patient brokering.
i. Section 817.568, relating to criminal use of personal identification information.
j. Section 817.60, relating to obtaining a credit card through fraudulent means.
k. Section 817.61, relating to fraudulent use of credit
cards, if the offense was a felony.

l. Section 831.01, relating to forgery.
m. Section 831.02, relating to uttering forged instruments.
n. Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.
o. Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.
p. Section 831.30, relating to fraud in obtaining medicinal drugs.
q. Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

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

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

(q) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed pursuant to s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter in a state fiscal year. A private school subject to this subsection must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of the school's scholarship funds. However, a school that receives more than $250,000 in scholarship funds through the John M. McKay Scholarship for Students with Disabilities Program pursuant to s. 1002.39 only, must submit the report by September 15 to the department. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The department shall suspend the payment of funds under ss. 1002.39 and 1002.395 to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.
(5) If the inability of a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under subsection (4), the commissioner may determine that the private school is ineligible. Section shall constitute a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department.

(2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The Department of Education shall:

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

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

3. Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. If the department has reasonable cause to believe that a violation of this section or any rule adopted by the State Board of Education has occurred, it shall conduct an inquiry, or make a referral to the appropriate agency for an investigation. A department inquiry is not subject to the requirements of chapter 120.
4. Require an annual, notarized, sworn compliance statement from participating private schools certifying compliance with state laws and retain such records.

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

6. Coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools. The authority conducting the fire safety inspection shall certify to the State Fire Marshal that the annual inspection has been completed and the school is in full compliance.

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

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

(3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
The Commissioner of Education:

(a) Shall deny, suspend, or revoke a private school's participation in a scholarship program if it is determined that the private school has failed to comply with the provisions of this section or exhibits a previous pattern of failure to comply. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program.

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

(c) In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or
omissions by an owner or operator which led to a previous
denial, suspension, or revocation of participation in a state or
federal education scholarship program; an owner's or operator's
failure to reimburse the department or scholarship funding
organization for scholarship funds improperly received or
retained by a school; imposition of a prior criminal sanction
related to an owner's or operator's management or operation of
an educational institution; imposition of a civil fine or
administrative fine, license revocation or suspension, or
program eligibility suspension, termination, or revocation
related to an owner's or operator's management or operation of
an educational institution; or other types of criminal
proceedings in which an owner or operator was found guilty of,
regardless of adjudication, or entered a plea of nolo contendere
or guilty to, any offense involving fraud, deceit, dishonesty,
or moral turpitude.

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

1. If the commissioner intends to deny, suspend, or revoke
a private school's participation in the scholarship program, the
department shall notify the private school of such proposed
action in writing by certified mail and regular mail to the
private school's address of record with the department. The
notification shall include the reasons for the proposed action
and notice of the timelines and procedures set forth in this
2. The private school that is adversely affected by the proposed action shall have 15 days from receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

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

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

1. An imminent threat to the health, safety, or welfare of the students;
2. A previous pattern of failure to comply with this section; or
3. Fraudulent activity on the part of the private school.

Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

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

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

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

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

(4)(6) The inclusion of eligible private schools within
options available to Florida public school students does not
expand the regulatory authority of the state, its officers, or
any school district to impose any additional regulation of
private schools beyond those reasonably necessary to enforce
requirements expressly set forth in this section.

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

Section 17. paragraph (b) of subsection (2), paragraph (h)
of subsection (3), and subsections (6), (7), and (8) of section
1002.39, Florida Statutes, are amended to read:

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

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

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (7) and has requested from the department a scholarship at least 60 days before the date of the first scholarship payment. The request must be communicated directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The department must notify the district of the parent's intent upon receipt of the parent's request.

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

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

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

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

(b) Annually verify the eligibility of private schools that meet the requirements of subsection (8).
(c) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry of any written complaint of a violation of this section, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

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

e) Cross-check the list of participating scholarship students with the public school enrollment lists prior to each scholarship payment to avoid duplication.

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

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

(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
(a) The Commissioner of Education:
1. Shall deny, suspend, or revoke a private school's participation in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of
compliance before taking action to suspend or revoke the private 
school's participation in the scholarship program.

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

a. In making such a determination, the commissioner may 
consider factors that include, but are not limited to, acts or 
emissions by an owner or operator which led to a previous denial 
or revocation of participation in an education scholarship 
program; an owner's or operator's failure to reimburse the 
Department of Education for scholarship funds improperly 
received or retained by a school; imposition of a prior criminal 
sanction related to an owner's or operator's management or 
operation of an educational institution; imposition of a civil 
fine or administrative fine, license revocation or suspension, 
or program eligibility suspension, termination, or revocation 
related to an owner's or operator's management or operation of 
an educational institution; or other types of criminal 
proceedings in which an owner or operator was found guilty of, 
regardless of adjudication, or entered a plea of nolo contendere 
or guilty to, any offense involving fraud, deceit, dishonesty, 
or moral turpitude.
b. For purposes of this subparagraph, the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

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

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

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

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

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

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

2. Fraudulent activity on the part of the private school.

Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the Department of Education’s Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

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

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

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

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

(7)(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
eligible to participate in the John M. McKay Scholarships for
Students with Disabilities Program, a private school may be
sectarian or nonsectarian and must:
(a) Comply with all requirements for private schools
participating in state school choice scholarship programs
pursuant to s. 1002.421.
(b) Provide to the department all documentation required
for a student's participation, including the private school's
and student's fee schedules, at least 30 days before any
quarterly scholarship payment is made for the student pursuant to paragraph (10)(e) paragraph (11)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

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

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

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

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

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

Section 18. Paragraph (f) of subsection (2), paragraphs (n), (o), and (p) of subsection (6), and subsections (8), (9), and (11) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(2) DEFINITIONS.—As used in this section, the term:
(f) "Eligible nonprofit scholarship-funding organization" means a state university; or an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is a charitable organization that:

1. Is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code;
2. Is a Florida entity formed under chapter 605, chapter 607, or chapter 617 and whose principal office is located in the state; and
3. Complies with subsections (6) and (15) of subsections (6) and (16).

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

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

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

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February of each biennium 2013 and biennially thereafter, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter section during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the
Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures shall take effect the subsequent school year. For the 2018-2019 school year only, the joint review of the agreed-upon procedures must be completed and the revisions submitted to the commissioner no later than September 15, 2018. The revised procedures are applicable to the 2018-2019 school year, 2013, and biennially thereafter.

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

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

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

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

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

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

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

(a) Comply with all requirements for private schools
participating in state school choice scholarship programs
(b) Provide to the eligible nonprofit scholarship funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

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

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

(b)1.2. Annually administer or make administering or making provision for students participating in the scholarship 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. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(f) paragraph (9)(j).

2. Administer 3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.
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 and-

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

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

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

The failure of if a private school is unable to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school or has consecutive years of
material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the scholarship program as determined by the Department of Education.

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

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

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

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

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

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

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

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

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

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

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

1. The state university Learning System Institute must
annually report to the Department of Education on the student
performance of participating students:
   a. On a statewide basis. The report shall also include, to
the extent possible, a comparison of scholarship students' 
performance to the statewide student performance of public
school students with socioeconomic backgrounds similar to those
of students participating in the scholarship program. To
minimize costs and reduce time required for the state
university's Learning System Institute's analysis and
evaluation, the Department of Education shall coordinate with
the state university Learning System Institute to provide data
to the state university Learning System Institute in order to
conduct analyses of matched students from public school
assessment data and calculate control group student performance
using an agreed-upon methodology with the state university
Learning System Institute; and
   b. On an individual school basis. The annual report must
include student performance for each participating private
school in which at least 51 percent of the total enrolled
students in the private school participated in the Florida Tax
Credit Scholarship Program in the prior school year. The report
shall be according to each participating private school, and for participating students, in which there are at least 30 participating students who have scores for tests administered. If the state university Learning System Institute determines that the 30-participating-student cell size may be reduced without disclosing personally identifiable information, as described in 34 C.F.R. s. 99.12, of a participating student, the state university Learning System Institute may reduce the participating-student cell size, but the cell size must not be reduced to less than 10 participating students. The department shall provide each private school's prior school year's student enrollment information to the state university Learning System Institute no later than June 15 of each year, or as requested by the state university Learning System Institute.

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

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

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

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

   (n) Conduct site visits to private schools participating in the Florida Tax Credit Scholarship Program. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. The Department of Education may not make more than seven site visits each year; however, the department may make additional site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years.
2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

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

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

(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

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

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

a. An owner or operator of a private school has exhibited
a previous pattern of failure to comply with this section or s.
1002.421, or

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

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

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

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

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

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

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

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

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

3. Fraudulent activity on the part of the private school.

Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the Department of Education's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

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

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

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

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

Section 19. Paragraphs (c) and (d) of subsection (9) of Section 1002.37, F.S., are amended, to read:

(9)

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

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

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

1011.62 Funds for operation of schools.—If the annual
allocation from the Florida Education Finance Program to each
district for operation of schools is not determined in the
annual appropriations act or the substantive bill implementing
the annual appropriations act, it shall be determined as
follows:

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

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

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

b. A value of 0.1 or 0.2 full-time equivalent student
membership shall be calculated for each student who completes a
course as defined in s. 1003.493(1)(b) or courses with embedded
CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the
certification is not a fundable certification on the
postsecondary certification funding list, or the dual enrollment
certification is earned as a result of an agreement between a
school district and a nonpublic postsecondary institution, the
bonus value shall be funded in the same manner as other nondual
enrollment course industry certifications. In such cases, the
school district may provide for an agreement between the high
school and the technical center, or the school district and the
postsecondary institution may enter into an agreement for
equitable distribution of the bonus funds.

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

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

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

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

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

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

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

   d. A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.
Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher pursuant to this paragraph is in addition to any regular wage or other bonus the teacher received or is scheduled to receive. A bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher under this paragraph.

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

Section 21. For the 2018-2019 fiscal year, the sum of $250,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Education to implement Section
2701 2 of this act.
2702 Section 22. This act shall take effect July 1, 2018.