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Technical Assistance Paper Senate Bill 850

Summary: The attached document is a technical assistance paper on the provisions in Senate Bill 850 that passed during the 2014 Legislative session.

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Status:

- New Technical Assistance Paper
- Revises and replaces existing Technical Assistance:

Issued by the
Florida Department of Education

Technical Assistance Paper and Q&A for Senate Bill 850

This document is organized by topic and incorporates all sections related to each topic under the designated titles.

Department of Juvenile Justice Programs

- Section 29 amends s. 985.622, F.S., Multiagency plan for career and professional education:
 - **What are the requirements for the multi-agency plan?**

The Department of Juvenile Justice (DJJ) and the Department of Education (FDOE) must, in consultation with school districts and others, jointly develop a multi-agency plan for career and professional education (CAPE). The plan must establish the curriculum, goals and outcome measures for CAPE programs in juvenile justice education programs. The plan must include provisions for eliminating barriers to increasing occupation-specific job training and high school equivalency examination preparation opportunities. The plan must also evaluate the effect of students' mobility between juvenile justice education programs and school districts on the students' educational outcomes and whether the continuity of the students' education can be better addressed through virtual education.

- Section 31 amends s. 1003.51, F.S., Other public educational services:
 - **What are the assessment procedures and requirements for students in prevention, day treatment and residential DJJ programs?**

Appropriate academic and career assessments must be administered at program entry and exit for the purpose of measuring student learning gains. An entry assessment must be completed within the first 10 school days after a student's entry into the program.

Additionally, assessment procedures must provide determination of the areas of academic need and strategies for appropriate intervention and instruction for each student in a detention facility within five school days after the student's entry into the program. Within 22 school days after the student's entry into the detention facility, a research-based assessment must be administered that will assist the student in determining his or her educational and career options and goals.
 - **What are the recommended instructional programs to be offered in DJJ education programs?**

The recommended instructional programs, include, but are not limited to:

 - Secondary education;
 - High school equivalency examination preparation;
 - Postsecondary education;
 - Career and professional education (CAPE);
 - Job preparation; and/or
 - Virtual education
 - **What are the qualifications for CAPE program instructional staff?**

Qualifications shall include those for instructors of CAPE courses, standardized across the state, and shall be based on state certification, local school district

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approval, and industry-recognized certifications as identified on the Industry Certification Funding List. Procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction must be established.

➤ **What are the requirements for contracts and cooperative agreements?**

FDOE - in partnership with DJJ, the district school boards and providers - must develop and implement contracts and cooperative agreements regarding the delivery of education services to students in DJJ education programs. The minimum contract requirements shall include, but are not limited to, payment structure and amounts; access to district services; contract management provisions; data reporting requirements, including reporting of full-time equivalent student membership; and administration of federal programs such as Title 1, exceptional student education, and the Carl D. Perkins Career and Technical Education Act of 2006 and all policies and standards required by law, e.g., provision for assessments, instructional staff qualifications, and provisions for transition services, transfer of records, and instructional program performance expectations

➤ **How does the FDOE provide assistance to juvenile justice education programs in becoming high school equivalency examination centers?**

Any juvenile justice education provider who is interested in becoming a testing center for the high school equivalency examination may contact the Division of Career and Adult Education at flgedhelp@fldoe.org or by calling 850-245-0449. All testing must be done in approved computer-based testing centers.

➤ **What are the requirements of the school district?**

Each district school board will monitor compliance with contracts for education programs for students in juvenile justice prevention, day treatment, residential and detention programs. In addition each school district must:

- Notify students 16 years or older of the option to enroll in a program to attain a Florida high school diploma by taking the high school equivalency examination;
- Respond to requests for student education records from another district or DJJ education program within five working days after receiving the request;
- Provide DJJ students access to courses offered virtually through Florida Virtual School, district virtual programs or state colleges;
- Complete the student assessment requirements;
- Review the performance of a teacher upon the request of the Secretary of DJJ or the director of a juvenile justice program; and
- Provide instructional personnel at juvenile justice facilities with access to the district school system database for the purpose of accessing student academic, immunization, and registration records for students assigned to the programs.

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- **What will FDOE use to assess and evaluate juvenile justice education programs?**

FDOE will establish and operate, either directly or indirectly through a contract, a mechanism to provide accountability measures that annually assess and evaluate all juvenile justice education programs using student performance data and program performance ratings.
- Section 32 amends s. 1003.52, F.S., Educational services in Department of Juvenile Justice programs:
 - **Will the assessment currently used to determine program effectiveness change?**

The current assessment used is provided by Worldwide Interactive Network (WIN) Learning. The contract with WIN expires on August 31, 2015. FDOE and DJJ will review the effectiveness of the current assessment and implement changes as necessary for the subsequent contract.
 - **What will the performance rating system be based on?**

The program performance rating system to be used by FDOE to evaluate the delivery of educational services must be primarily based on student performance data including student achievement of career education goals, acquisition of employability skills, receipt of a high school diploma or its equivalent, grade advancement, and the number of industry certifications earned.
 - **What will happen to a program that is classified as a low-performing program?**

Low-performing education programs will receive an on-site program evaluation from DJJ. School improvement, technical assistance or the reassignment of the program will be based, in part, on the results of the program evaluation. Through a corrective action process, low-performing programs must demonstrate improvement or be reassigned.
 - **What do the prevention, residential and day treatment education programs need to provide?**

Prevention and day treatment juvenile justice educational programs, at a minimum, will provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.

Residential juvenile justice education programs with a contracted minimum length of stay of nine months will provide CAPE courses that lead to pre-apprentice certifications and CAPE industry certifications.
 - **Which students will require progress monitoring plans?**

All students not classified as an exceptional education student upon entry in a juvenile justice education program will have an individualized progress monitoring plan developed.

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➤ **Who are the required members of the local DJJ reentry teams?**

For the purpose of transition planning and provision of reentry services, representatives from the school district where the student will return, and from the One Stop Center providing services to the students in that school district, will participate as members of the local DJJ reentry teams. .

➤ **Who develops and what are the required elements of the transition plan for the student reentry?**

Development of a transition plan is a collaboration of the personnel in the juvenile justice education program, reentry personnel, personnel from the school district where the student will return, the student, the student's family, and DJJ personnel for committed students.

The reentry transition plan must include:

- Identification of services and interventions that address the student's assessed educational needs and post-release education plans; and
- Identification of services to be provided during the DJJ program and services to be implemented upon release including;
 - Continuing education in secondary school;
 - CAPE programs;
 - Postsecondary education; or
 - Employment.
- Specific monitoring responsibilities to determine whether the individualized transition plan is being implemented and the student is provided access to support services by individuals who are responsible for providing those services.

➤ **What are the required data elements in FDOE's annual report on commitment, day treatment, prevention and detention programs?**

The report must include the number and percentage of students who:

- Return to an alternative school, middle school or high school upon release and the attendance rate of these students before and after participation in juvenile justice education programs;
- Receive a standard high school diploma or a high school equivalency diploma;
- Receive industry certification;
- Enroll in a postsecondary educational institution;
- Complete a juvenile justice educational program without reoffending;
- Reoffend within one year after completion of a day treatment or residential commitment program;
- Remain employed one year after completion of a day treatment or residential commitment program; and
- Demonstrate learning gains.

The report also must include:

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- The amount of funding provided by district school boards to juvenile justice programs and the amount retained for administration, including documenting the purposes of such expenses;
- The status of the development of cooperative agreements;
- Recommendations for system improvement; and
- Information on the identification of, and services provided to, exceptional students, to determine whether these students are properly reported for funding and are appropriately served.

Florida Tax Credit Scholarship Program and Scholarship Funding Organizations (SFO)

- Section 17 – amends s. 1002.395, F.S., Florida Tax Credit Scholarship Program

- **What is the Florida Tax Credit Scholarship Program?**

The Florida Tax Credit Scholarship Program (FTC) was established in 2001 to provide a tax credit for corporations that contribute money to nonprofit Scholarship-Funding Organizations (SFOs) that award scholarships to students from families with limited financial resources. The purpose of the tax credit is to:

- Enable taxpayers to make private, voluntary contributions to SFOs;
- Expand education opportunities for children from families that have limited financial resources; and,
- Enable children in this state to achieve a greater level of excellence in their education.

- **What are the responsibilities of a school district for the Florida Tax Credit Scholarship program?**

Upon the request of a parent, a school district shall provide the opportunity for a participating student to take a statewide assessment pursuant to s. 1008.22, F.S. Additionally, the school district shall provide information on public school enrollment for verification of student eligibility for payments by SFO's.

Upon the request of FDOE, a school district shall coordinate with FDOE to provide to a participating private school the statewide assessments administered under s. 1008.22, F.S., and to implement test administration at the school.

- **What changes did SB 850 make relating to eligibility for a scholarship from a nonprofit SFO under this program?**

Prior year attendance in public school is no longer required. It was previously required for students in grades six through twelve.

Beginning in the 2016-17 school year students with household incomes up to 260 percent of the federal poverty level may be eligible to participate.

- The SFO must provide preference to students whose family incomes do not exceed 185 percent of the federal poverty level, or who are in foster care, or out-of-home care.

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- Section 18 – Requires a nonprofit SFO whose application for participation was approved before July 1, 2014, must by August 1, 2014, provide a copy of a surety bond or letter of credit meeting the requirements in s. 1002.395(16), F.S., to the Office of Independent Education and Parental Choice. Any additional SFO’s interested in applying must also provide a copy of a surety bond or letter of credit meeting the requirements in s. 1002.395(16), F.S.

Middle School Accountability

- Section 1 – amends s. 1001.42, F.S., Powers and duties of district school boards
 - **What are the new middle grades early warning system requirements?**
Section 1001.42(18)(b)1., F.S., requires schools containing grades 6, 7 or 8 to implement an “early warning system” as a means to identify students who need additional support to improve academic performance and stay engaged in school. The early warning system must include, at a minimum, the following indicators:
 - Attendance below 90 percent;
 - One or more suspensions, in school or out of school;
 - Course failure in English language arts or mathematics; and
 - Level 1 score on the statewide, standardized assessments in English language arts or mathematics.

The Bureau of School Improvement (BSI) recommends the following best practices for district- and school-based leadership teams to enhance the requirements set forth in statute:

- To promote common language, use the term “off-track” for students identified as exhibiting one or more indicators, as research shows that sixth graders displaying even one indicator only have a 15 to 25 percent chance of graduating on time (Balfanz, 2012).
- In order to increase the accuracy of identifying the correct students, include additional indicators in the early warning system that have been validated, either through research conducted internally by the district or externally in other states or districts, such as
 - Office discipline referrals;
 - Non-cumulative semester/year grade point averages; and
 - Previous off-track statuses, as students can transition from being off-track to on-track and vice versa.
- Regularly monitor if the number and percentage of students designated as off-track is decreasing and the number and percentage of students designated as on-track is increasing, to evaluate the effectiveness of intervention supports. If intervention supports are not effective in increasing on-track status and decreasing off-track status, engage in a data-based problem-solving process to determine common reasons and plan supports.
 - It is important to monitor frequently so that new off-track students are identified early enough for supports to be effective.

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- Regularly monitor the number and percentage of students who are off-track school-wide, by grade level and by teacher teams or classroom level to determine if there are common issues that may require school-wide supports at the Tier 1 level (core instruction and supports). Consider how to integrate Tier 1 supports in the context of other school-wide intervention or initiatives and monitor effectiveness.
- Develop support lists to be monitored at appropriate intervals (e.g., weekly, biweekly, monthly, quarterly) that identify groups of students with common needs that may require data-based problem solving by the school-based leadership team, in conjunction with teacher teams and other support staff, such as student services personnel, to determine moderate intensity supports and monitoring at the Tier 2 level (targeted supplemental intervention and supports).
 - It is essential to identify the appropriate interval for the indicator being monitored. For example, selecting a monthly interval when monitoring students for course failures may create a situation where students do not have enough time to recover before the end of the grading period.

➤ **Which assessments are included in the early warning system indicator “Level 1 score on the statewide, standardized assessments in English language arts or mathematics”?**

So that all students are monitored in the early warning system, all statewide, standardized assessments in English language arts or mathematics are to be included in the flag for students scoring a Level 1.

The Bureau of Exceptional Education and Student Services recommends the following best practices for district- and school-based leadership teams to enhance the requirements set forth in statute:

- Include all students taking the Florida Alternative Assessment (FAA), regardless of the performance level, as they are not demonstrating proficiency on the traditional standards.

➤ **How does the early warning system affect school improvement plan requirements?**

Section 1001.42(18)(a)2., F.S., adds the requirement that schools containing grades 6, 7 or 8 include the following “early warning system” information and data in their school improvement plans:

- Information about the system, which must include a list of indicators used, the number of students by grade level that exhibited each indicator in the prior year, the number of students exhibiting two or more indicators in the prior year, and a description of intervention strategies implemented to improve performance of identified students.
- Description of the specific strategies used by the school to implement the instructional practices emphasized by the district’s professional development system. For more details, see Section 14.

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These early warning system requirements have been integrated into FDOE's 2014-15 school improvement plan template, Form SIP-1, which is incorporated in Rule 6A-1.099811, F.A.C. While all non-charter schools in Florida are required to have a school improvement plan, only D- and F-graded schools are required to use the state template; however, many districts choose to require it of all schools. Districts electing to use a local template must ensure that these early warning system requirements are added to the form beginning in the 2014-15 school year.

The numbers only need to be recorded in the SIP once annually, as they are reflective of prior-year data. The purpose of recording them in the SIP is to inform the needs assessment process prior to determining strategic goals for the coming year. This practice is not to be confused with the ongoing use of the early warning system throughout the year to identify and support students who become off track.

BSI recommends the following best practice for district- and school-based leadership teams to enhance the requirements set forth in statute:

- Include the percentage of students at the school identified in addition to the number, which is helpful for looking at pervasiveness of the issue in order to identify the scale of tiered of support needed school-wide.

➤ **How does the early warning system affect the school's child study team?**

Section 1001.42(18)(b)2., F.S., requires the school's child study team or other school-based team formed for the purpose of implementing the requirements of the early warning system to convene to determine appropriate intervention strategies for students exhibiting two or more early warning indicators. The school must provide students' parents a minimum of 10 days' written notice of such meeting, indicating the meeting's purpose, time, location, and provide parents the opportunity to participate

BSI recommends the following best practices for district- and school-based leadership teams to enhance the requirements set forth in statute:

- Initiate a data-based problem-solving process with various teams, such as the school-based leadership team, teacher teams or professional learning communities, and child study team within the school, to modify instruction and intervention within a system of multi-tiered supports to increase the probability that students will regain on-track status or reduce the severity of off-track status.
- Regularly monitor the effectiveness of supports for off-track students and determine those that may require more intensive, individualized problem solving and supports at the Tier 3 (intensive individualized interventions and supports) level via the child study team. Teams may also identify students who have not been previously identified as needing supports, but begin to demonstrate intense needs and engage in individualize problem solving to determine appropriate supports.

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Section 1 References:

- Allensworth, Elaine (2013). The Use of Ninth-Grade Early Warning Indicators to Improve Chicago Schools, *Journal of Education for Students Placed at Risk (JESPAR)*, 18:1, 68-83. Retrieved from <http://dx.doi.org/10.1080/10824669.2013.745181>.
 - Balfanz, R., Stenson, T. (2012). Using data to build early warning systems [Webinar]. United States Department of Education School Turn-around Learning Community. Retrieved from <http://vimeo.com/37739265>.
 - Balfanz, R., Herzog, L., MacIver, D. (2007). Preventing student disengagement and keeping students on the graduation path in urban middle-grades schools: Early identification and effective interventions. *Educational Psychologist*, 42(4), 223-235.
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- Section 3 amends s. 1003.42, F.S., Required instruction
 - **What are the new State Board of Education requirements regarding middle grades courses?**

The State Board of Education must remove a middle grades course from the Course Code Directory that does not fully integrate all appropriate curricular content required by s. 1003.41, F.S. In addition, the State Board of Education may approve a new course only if it meets the required curricular content.
 - Currently, the following courses in the Course Code Directory do not meet the new legislative requirement.
 - 0600000 M/J Exploratory Wheel 1
 - 0600010 M/J Exploratory Wheel 2 and Career Planning
 - 0600020 M/J Exploratory Wheel 3
 - 0600030 M/J Exploratory Wheel 4
 - 0600040 M/J Exploratory Wheel 5
 - 0600050 M/J Exploratory Wheel 6
 - 0600060 M/J Florida's Pre-International Baccalaureate MYP Exploratory Wheel 1
 - 0600070 M/J Florida's Pre-International Baccalaureate MYP Exploratory Wheel 2
 - 0600080 M/J Florida's Pre-International Baccalaureate MYP Exploratory Wheel 3
 - 8000300 M/J Exploratory Career Wheel 1
 - 8000200 M/J Exploratory Career Wheel 1 and Career Planning
 - 8000210 M/J Exploratory Career Wheel 2
 - 8000220 M/J Exploratory Career Wheel 3
 - 8000230 M/J Exploratory Career Wheel 4
 - 8000240 M/J Exploratory Career Wheel 5
 - 8000250 M/J Exploratory Career Wheel 6
 - 2200000 M/J Study Hall 1
 - 2200010 M/J Study Hall 2

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- 2200020 M/J Study Hall 3
 - 2400200 M/J Homeroom
 - These courses will be marked “dagged” for deletion in the 2014-15 Course Code Directory. They will be deleted from the 2015-16 Course Code Directory and no longer available for use by districts.
- Section 7 creates subsection (4) to s. 1003.4935, F.S., Middle grades career and professional academy courses and career-themed courses.
 - **Will districts receive funding for middle school students earning CAPE digital tool certificates and CAPE industry certifications?**
Yes, CAPE digital tool certificates and CAPE industry certifications on the CAPE Industry Certification Funding List earned by students are eligible for additional full-time equivalent membership.
- Section 8 – Amends s. 1003.53, F.S., Dropout prevention and academic intervention.
 - **Can students identified through the school’s early warning system be eligible to receive services funded through dropout prevention and academic intervention programs?**
Yes. This fourth option for eligibility, student identification through the early warning system, is specific to a school that includes any of grades 6, 7 or 8. More information about the early warning system and its indicators is provided in s. 1001.42(18)(b), F.S.
- Section 9 – s. 1006.135, F.S., Hazing prohibited at schools with any of grades 6-12.
 - **What are the new prohibitions regarding hazing?**
This section amends s. 1006.135, F.S., to extend the existing ban on hazing to middle schools, prohibiting hazing at any schools with grades 6-12. Additionally, there is a new requirement for school districts to develop a policy prohibiting hazing that incorporates consequences for students who commit acts of hazing. The policy must include:
 - A definition of hazing;
 - A procedure for reporting hazing, including anonymously;
 - A requirement that a school report certain acts of hazing to local law enforcement;
 - A means of referring victims and perpetrators of hazing to a certified school counselor; and
 - A requirement that incidents of hazing be reported in the school’s safety and discipline report otherwise known as School Environmental Safety Incident Reporting (SESIR).

The bill also changes criminal intent standard for criminal hazing, from reckless or intentional to “knew or should have known.” Although the bill extends anti-hazing provisions to middle grades, criminal hazing penalties remain applicable only to students in grades 9 through 12. The bill allows the court to require a public apology and/or participation in a school-sponsored anti-hazing campaign.

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In order to collect data on hazing incidents through SESIR, FDOE has created a new incident definition for hazing and a new data element to capture other SESIR offenses that are hazing-related:

- **Hazing – Level III**

Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. “Hazing” includes, but is not limited to: (a) pressuring, coercing or forcing a student to participate in illegal or dangerous behavior, or (b) any brutality of a physical nature, such as whipping, beating, branding or exposure to the elements.

- **Incident, Hazing-Related**

The incident is hazing-related if the incident includes any action or situation that endangers the mental or physical health or safety of a student for purposes of initiation or admission into or affiliation with any school-sanctioned organization. “Hazing” includes, but is not limited to: (a) pressuring, coercing or forcing a student to participate in illegal or dangerous behavior, or (b) any brutality of a physical nature, such as whipping, beating, branding or exposure to the elements.

The Incident, Hazing-Related data element will allow schools to report a variety of incidents (such as Battery, Larceny/Theft, Sexual Harassment, etc.) as hazing-related.

- Section 14 – s. 1012.98, F.S., School Community Professional Development Act.
 - **What changes are required in district professional development systems as a result of amendments to the School Community Professional Development Act?**

Four changes were made to this section:

- The bill added additional activities to be included under opportunities for professional collaboration as part of a coordinated system of professional development. The amendment requires each district to provide middle grades instructional personnel and school administrators with the knowledge, skills, and best practices necessary to support excellence in classroom instruction and educational leadership. Districts will need to add or modify current in-service components and/or school-based professional learning supports and practices to implement this provision.
- The web-based statewide performance support system required in law must include for middle grades (subject to appropriation) materials related to classroom instruction, including integrated digital instruction, competency-based instruction, and CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. Although this was not funded by the legislature, FDOE will provide districts information on existing web-based supports related to these issues. Districts

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need to review current district-provided web resources and ensure the workforce has access to them.

- New requirements were added for school district master in-service plans, which must now include a description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s.1006.07, F.S.; integrated CAPE Digital Tool instruction and competency-based instruction, including CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. Each school district will need to add or modify master in-service plan (MIP) components for 2014-15 to implement these requirements. Use of the FDOE's High Quality MIP Template for this purpose is recommended.
- The bill requires for each school district's professional development system to emphasize the following with respect to middle grades:
 - Interdisciplinary planning, collaboration, and instruction.
 - Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41, F.S.
 - Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.
 - Availability of CAPE Digital Tool certificates and CAPE industry certifications pursuant to ss. 1003.4203 and s. 1008.44, F.S.

School districts will need to add high quality master in-service plan components to support these priorities and shift school-based professional learning supports and practices to emphasize these priorities. Where existing district policies and practices on the professional learning system do not enable meeting these requirements and, substantial change in the district system is required, the proposed changes shall be submitted to FDOE for review and approval.

➤ **What are the changes to school improvement plans related to district professional development requirements for middle grades?**

Section 1012.98(4)(b)9., F.S., adds the requirement that schools containing grades 6, 7 or 8 include in their school improvement plan a description of the specific strategies used to implement each of the following middle grades requirements emphasized by the district's professional development system:

- Interdisciplinary planning, collaboration and instruction;
- Alignment of curriculum and instructional materials to the Florida Standards; and
- Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.

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These additional requirements have been integrated into FDOE's 2014-15 school improvement plan template, Form SIP-1, which is incorporated in Rule 6A-1.099811, F.A.C. While all non-charter schools in Florida are required to have a school improvement plan, only D- and F-graded schools are required to use the state template; however, many districts choose to require it of all schools. Districts electing to use a local template must ensure that these requirements are added to the form beginning in the 2014-15 school year.

Collegiate High School Program

- Section 10 creates s. 1007.273, F.S., Collegiate high school program
The following questions and answers are intended to assist district school boards and Florida College System institutions in the establishment of ***collegiate high school programs*** pursuant to s. 1007.273, F.S.
 - **What is a collegiate high school program as required by s. 1007.273, F.S.?**
At a minimum, a collegiate high school program:
 - Is available to eligible public school students in grade 12 (grade 11 is optional);
 - Allows eligible students to participate for at least one full school year;
 - Allows eligible students to earn CAPE industry certification(s); and
 - Allows eligible students to complete 30 college credit hours through early admission, i.e. full-time dual enrollment, towards an associate or baccalaureate degree.
 - **What does one full school year mean with respect to the collegiate high school program?**
Eligible students shall have access to postsecondary coursework during grade 12 that would enable the accumulation of a minimum of 30 college credit hours during the fall and spring terms of an academic year at a Florida College System institution.
 - **What happens if a collegiate high school program as required by s. 1007.273, F.S., is not implemented?**
The State Board of Education shall enforce the establishment of collegiate high school programs by withholding the transfer of funds to school districts and Florida College System institutions for noncompliance.
 - **Is a Florida College System institution required to work with the district school board(s) in its designated service area to establish one or more collegiate high school programs?**
Yes, the Florida College System institution and the partner district school board(s) must establish a minimum of one collegiate high school program available for all eligible students within its service area.
 - **If a Florida College System institution's designated service area is made of more than one school district, is the Florida College System institution**

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required to establish a minimum of one collegiate high school program for each school district it serves?

No, the Florida College System institution must work with each of its partner district school boards in its designated service area to establish one or more collegiate high school programs which may be achieved through the establishment of a single collegiate high school program that is accessible to all eligible students within its service area.

- **May a Florida College System institution serving multiple school districts have a single site for the collegiate high school program located on the college campus?**

Yes, the collegiate high school program may be located at the college campus provided all district school boards and the Florida College System institution have agreed.

- **May a charter school operated by a Florida College System institution satisfy the collegiate high school program as required by s. 1007.273, F.S.?**

A charter school operated by a Florida College System institution may satisfy the collegiate high school program requirement provided there is mutual agreement by the school district(s) and Florida College System in addition to meeting the requirements of the collegiate high school program pursuant to s. 1007.273, F.S.

- **May an existing Florida College System institution collegiate high school program satisfy the collegiate high school program as required by s. 1007.273, F.S.?**

An existing Florida College System institution collegiate high school program may satisfy the collegiate high school program requirement provided there is mutual agreement by the school district(s) and Florida College System in addition to meeting the requirements of the collegiate high school program pursuant to s. 1007.273, F.S.

- **May an existing Florida College System institution early admission program satisfy the collegiate high school program as required by s. 1007.273, F.S.?**

An existing Florida College System institution early admission program may satisfy the collegiate high school program requirement provided there is mutual agreement by the school district(s) and Florida College System in addition to meeting the requirements of the collegiate high school program pursuant to s. 1007.273, F.S.

- **Does the district school board have the authority to require the collegiate high school program be located on a high school campus?**

No, the location or locations must be mutually agreed upon by the Florida College System institution and the district school board(s).

- **Does the Florida College System institution have the authority to require the collegiate high school program be located on the college campus?**

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No, the location or locations must be mutually agreed upon by the Florida College System institution and the district school board(s).

➤ **Does the collegiate high school program have to include an option for eligible public school students in grade 11?**

No, the minimum requirement for the collegiate high school program includes an option for eligible public school students in grade 12.

➤ **Does the collegiate high school program have to include an option for private school or home education students?**

No, the minimum requirement for the collegiate high school program includes an option for eligible public school students in grade 12.

➤ **What is the mechanism for a district school board and Florida College System to establish the collegiate high school program?**

The Florida College System and each district school board in its designated service area must execute a contract to establish one or more collegiate high schools at a mutually agreed upon location or locations.

➤ **What are the requirements of the contract for the collegiate high school program?**

The minimum requirements of the contract are specified in s. 1007.273, F.S. and include:

- Grade levels to be included;
- Description of the program including the delineation of the courses and industry certifications offered, including online course availability; high school and college credits earned; student eligibility criteria; enrollment process;
- Description of the methods, medium and process by which students and parents are informed;
- Identification of instructional methods and instructors for all courses;
- Identification of student advising and progress monitoring mechanisms
- Description of program review protocols and student performance reporting mechanisms; and
- Description of the funding arrangements.

➤ **Does the contract have to be submitted to FDOE?**

No, there is no explicit requirement that the contract be submitted. However, FDOE will require a status report on or after January 1, 2015 to determine compliance.

➤ **May the Florida College System institution and the district school board negotiate the provisions of the contract along with the dual enrollment articulation agreement pursuant to s. 1007.271, F.S.?**

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Yes, it may be beneficial to negotiate the terms of the entire dual enrollment program concurrently.

➤ **What are the requirements of students participating in a collegiate high school program as required by s. 1007.273, F.S.?**

Each student participating in a collegiate high school program must enter into a performance contract that must be signed by the student, parent, school district and Florida College System institution. The contract components must include, at a minimum, the schedule of courses by semester, industry certifications available to the student, attendance requirements and course grade requirements.

➤ **Does a new contract have to be signed each semester?**

No, there is no explicit requirement that the contract be renewed or signed each semester. However, the contract must specify courses and industry certification availability by semester. This could be accomplished in a number of ways, including establishing a program of study for the school year or by adding an addendum to the contract each term of enrollment.

➤ **Does a district school board have authority to work with postsecondary institutions other than the Florida College System institution within its designated service area to establish a collegiate high school program?**

Yes, in addition to the contract with the Florida College System institution, the district school board may execute a contract with a state university or institution that is eligible to participate in the Florida Resident Access Grant Program.

➤ **How are collegiate high school programs, as required by s. 1007.273, F.S., funded?**

Collegiate high school programs are funded in accordance with ss. 1007.271 and 1011.62, F.S. In the case of a charter school operated by a Florida College System institution serving to meet the collegiate high school program requirement, the funding mechanism shall be delineated in the executed contract.

➤ **Does the collegiate high school program have to include more than one CAPE industry certification option for eligible students?**

Section 1007.273, F.S., requires that an eligible participant have an option of earning CAPE industry certifications; therefore, more than one CAPE industry certification must be available for students interested in pursuing them.

Students with Disabilities and High School Graduation

- Section 19 –Effective July 1, 2015, repeals s. 1003.438, F.S., Special high school graduation requirements for certain exceptional students:

➤ **Can students who have been working toward a special diploma and who will be in grades 10-12 in 2014-15 change to work towards earning a standard diploma?**

Yes, they may elect to work toward graduating with a standard diploma if they meet all of the requirements that will be specified in the State Board of Education

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Rule. Once the student makes such a change, a special diploma is no longer an option.

- Section 20 – Creates s. 1003.5716, F.S., Transition to postsecondary education and career opportunities.
 - **Is a student with a disability eligible for a Scholar or Merit designation, as referenced in s. 1003.5716, F.S.?**
Yes, upon the statement of intent to pursue a standard diploma and a Scholar or Merit designation the student should have access to enroll in the required courses or programs.
 - **When does a parent of a student with a disability choose a standard diploma, with a Scholar or Merit designation?**
Before a student with a disability turns the age of 14 or not later than the first IEP to be in place when the student attains the age of 16 the IEP must include a statement of intent to pursue a standard high school diploma and a Scholar or Merit designation as determined by the parent.
- Section 26 – Amends. 1007.263, F.S., Florida College System institutions; admissions of students:
 - **Will a student who has earned a special diploma prior to July 1, 2015, be eligible to enroll in a Florida College System institution certificate career education program?**
Yes.
- Section 27 –
 - **May a student with a disability, as defined in s. 1003.438, F.S., participating in the Road to Independence Program as of June 20, 2014, continue to participate in the program, as long as he or she meets the eligibility criteria?**
Yes.
- Section 28 – Clarifies that a student with a disability whose IEP, as of June 20, 2014, states the student’s intent to receive a special diploma, as defined in s. 1003.438, F.S., shall be awarded a special diploma if all requirements for a special diploma are met.
 - **If the individual education plan (IEP) created for a student in grade 7 or 8, as of June 20, 2014, places the student on a special diploma pathway, can they choose a standard diploma option or can he or she opt to stay on special diploma pathway?**
Students entering 9th grade in the 2014-15 school year and thereafter, may not work toward a special diploma, they must choose a standard diploma option.
- Section 33 amends s. 1003.4282, F.S., Requirements for a standard high school diploma
 - **Must districts offer all students with disabilities a pathway for a standard diploma?**
Yes.

- **May a student with a disability who has completed the requirements for a standard diploma defer the diploma and get services, such as dual enrollment, until they are 22 or just students who use the new, alternative course of study options?**

The potential to defer receipt of a standard high school diploma applies to any student with a disability, as long as the requirements of s. 1003.4282(10)(c) are met.

Florida Personal Learning Account

- Section 16 – Creates s. 1002.385, F.S., Florida personal learning scholarship accounts-school district obligations.

- **What is the Personal Learning Scholarship Account Program?**

The Personal Learning Scholarship Account Program (PLSA) was established in 2014 to provide parents the option to better meet the individual needs of their eligible children. Personal Learning Scholarship Accounts are administered by eligible nonprofit scholarship-funding organizations (SFO). Parents of eligible children may use the accounts to purchase approved goods or services, as well as provide for prepaid college plans.

- **Who is eligible for the Personal Learning Scholarship Account Program?**

A student is eligible for a PLSA from a nonprofit SFO through this program, if:

- The student is a resident of Florida;
- The student is eligible to enroll in kindergarten through grade 12 in a public school in Florida;
- Has a disability as defined by s. 1002.385(2)(d), F.S. These disabilities include: autism as defined in s. 393.063 (3); cerebral palsy as defined in s. 393.063(4); Down syndrome, as defined in s. 393.063(13); an intellectual disability as defined in 393.063(21); Prader-Willi syndrome, as defined in s. 393.063(25); spina bifida, as defined in s. 393.063(36); a student in kindergarten who is defined as being a high-risk child in accordance with s. 393.20(20) and Williams syndrome.; and
- Is the subject of an IEP written in accordance with rules of the State Board of Education, or has received a diagnosis of an eligible disability from a licensed physician or psychologist.

- **What are the school district responsibilities for the Personal Learning Scholarship Account Program?**

For a student with a disability who does not have a matrix of services under s. 1011.62(1)(e), F.S., and for whom the parent requests a matrix of services, the school district must complete a matrix of service as they existed before the 2000-2001 school year, with the following provisions:

- Within 10 school days after a school district receives notification of a parent's request for completion of a matrix of services, the school district must notify the student's parent if the matrix of services has not been completed;

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- The school district must notify the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for the matrix of services, and must include the required completion date for the matrix;
 - The school district shall complete the matrix of services for a student, based on the student's IEP, whose parents has made a request and provide the student's matrix level to the parent within 10 school days after its completion;
 - Notify the FDOE of the matrix level for each eligible student that has received one;
 - A school district may change a matrix of services only if the change is to correct a technical, typographical, or calculation error; and,
 - For each student participating in the program, a school district shall notify the parent about the availability of a reevaluation at least every three years.
- For each student participating in the program who chooses to participate in statewide, standardized assessments under s. 1008.22, F.S., or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide, standardized assessments.
 - Prior to the determination of eligibility for payment of funds into the PLSA of a student, a school district shall provide verification to FDOE that the student is not enrolled in a public school.
 - Parents of eligible students may use account funds to contract services provided by a public school or school district, including classes. Student receiving services under a contract are not considered enrolled in a public school for eligibility purposes.
 - A school district superintendent or the superintendent's designee may, upon 15 days written notice, inspect the portfolio of records that is required to be maintained by the parent of a student participating in the PLSA program. The portfolio consists of a log of educational instruction and services made contemporaneously with the delivery of instruction and services and which designates by title any reading materials used, and samples of any writings, worksheets, workbooks, or creative materials used or developed by the student. There is no requirement for the superintendent to inspect the portfolio. A parent of a student participating in the PLSA program is only required to provide notification of participation to a school district if the parent chooses to establish a home education program according to the requirements of s. 1002.41, F.S.

CAPE

- Section 2 amends s. 1003.02, F.S., District school board operation and control of public K-12 education within the school district. Notification of cost savings for a student who earns an industry certification that articulates for postsecondary credit.
 - **What other information must be provided by public schools to parents of students enrolled and in attendance at their schools?**

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In addition to the regular interval reports apprising parents of academic and other progress being made by students, SB 850 amended s. 1003.02 F.S., *District school board operation and control of public K-12 education within the school district* requiring that “Return on Investment” information be made available to parents. The parent of a student who earns an industry certification that articulates for postsecondary credit must be notified of the estimated cost savings to the parent before the student’s high school graduation versus the cost of acquiring such certification after high school graduation, which would include the tuition and fees associated with available postsecondary credentials. In addition, the student and the parent must be informed of any additional industry certifications available to the student.

FDOE will provide school districts with standard information on the average tuition and fees cost savings associated with the industry certification that articulates to postsecondary credit into a specific Associate in Science (A.S.) degree or Associate in Applied Science degree (A.A.S.) in the Florida College System. The report will be posted on FDOE’s website for use by school districts in their statutory responsibilities and FDOE will notify the school district by memorandum once the information becomes available.

- Section 4 amends s. 1003.4203, F.S., Digital materials, CAPE Digital Tool certificates, and technical assistance.

- **Does a student with a disability have the option to pursue CAPE Digital Tools certificates or industry certifications?**

Yes. Beginning with the 2015-16 school year each student’s IEP must identify the certificate or certification the student seeks to attain before high school graduation.

- **Do middle schools have to offer CAPE Digital Tool certificate or industry certification programs to all students with disabilities?**

Yes.

- **What changes were made to the types of industry certifications a student may earn?**

The following industry certifications have been established:

CAPE Digital Tool Certificates

CAPE Digital Tool Certificates must demonstrate mastery of targeted skills to include digital skills that are necessary to the student’s academic work and skills the student may need in future employment. The skills must include, but are not limited to: word processing; spreadsheets; presentations, including sound, motion, and color presentations; digital arts; cybersecurity and coding. The certificates must be consistent with CAPE industry certifications on the CAPE Industry Certification Funding List.

CAPE ESE Digital Tool Certificates

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FDOE will prioritize those certificates identified as CAPE Digital Tools that include accommodations and are more accessible to students with disabilities. However, students with disabilities are not limited to these and may work toward any CAPE Digital Tool Certificates offered by their school.

CAPE Industry Certifications

CAPE Industry Certifications are industry certifications that do not articulate for college credit or that articulate for no more than 14 college credit hours.

CAPE Innovation Courses

These courses must combine academic and career content with embedded industry certifications and performance outcome expectations, articulate for college credit, and incorporate at least two third-party assessments, one of which must be associated with an industry certification that is identified on the Industry Certification Funding Lists. Up to five courses may be approved by the commissioner and identified in the Course Code Directory.

CAPE Acceleration Industry Certifications

CAPE Acceleration Industry Certifications are industry certifications that articulate for 15 or more college credit hours.

- **What are the changes related to grade point average calculation?**

None. SB 850 amended the law to state that, “For purposes of calculating grade point average, a grade in a course that is level 3 or above and leads to an industry certification must be weighted the same as a grade in an Honors course.”
However, any course that is level 3 or above is already weighted the same as an Honors course.
- Section 6 amends s. 1003.492, F.S., Industry-certified career education programs.
 - The FDOE shall collect student achievement and performance data in industry-certified career education programs and career themed courses to include return on investment.
- Section 7 creates subsection (4) to s. 1003.4935, F.S., Middle grades career and professional academy courses and career-themed courses.
 - **Will districts receive funding for middle school students earning CAPE digital tool certificates and CAPE industry certifications?**

Yes, CAPE Digital Tool certificates and CAPE industry certifications on the CAPE Industry Certification Funding List earned by students are eligible for additional full-time equivalent membership.
- Section 12 amends s. 1008.44, F.S., CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding list.
 - **What changes were made to the Industry Certification Funding List?**

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The Industry Certification Funding List was renamed the “CAPE Industry Certification Funding List.”

The items that may be included on the CAPE Industry Certification Funding List are the following:

- CAPE Industry Certifications
- CAPE Digital Tool Certificates
 - Up to 15 may be approved for the list
- CAPE ESE Digital Tool Certificates
- CAPE Innovation Courses
 - Up to five annually approved for the list
- CAPE Acceleration Industry Certifications

In addition, the following requirements for the list have been added:

- The CAPE industry certifications and the CAPE Digital Tool certificates must include the version of the certifications and certificates available at the time of adoption and, without further review and approval, subsequent updates to such certificates and certifications.
 - Authorize the commissioner to limit CAPE Industry Certifications and CAPE Digital Tools certificates to students in certain grades based upon formal recommendations by providers of the certifications and certificates.
 - Require recommendations to the Articulation Coordinating Committee for articulation of postsecondary credit for related degrees within 90 days of the State Board of Education approval of the Industry Certification Funding List.
- Section 13 amends s. 1011.62, F.S., Funds for operation of schools.
 - **What changes were made to the Florida Education Finance Program (FEFP) Calculation?**

The calculation was amended to align with the classification of certifications in Section 4 and Section 12.
 - **CAPE Industry Certifications**

The funding weights are as follows:

 - 0.1 FTE for certifications without a statewide articulation agreement.
 - 0.2 FTE for certifications with a statewide articulation agreement of no more than 15 college credit hours

Middle grades and high school students are eligible to generate the additional FTE membership in the Florida Education Finance Program (FEFP).
 - **CAPE Digital Tool Certificates**

The funding weight is as follows:

 - 0.025 FTE for each CAPE Digital Tool certificate

Elementary school and middle grades students are eligible to generate the additional FTE membership in the FEFP. Additional FTE membership for an elementary or middle grades student shall not exceed 0.1 for certificates or certifications earned within the same fiscal year.

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➤ **CAPE Innovation Courses**

The funding weight is as follows:

- 0.3 FTE for student completion of the courses and the embedded industry certifications.

➤ **CAPE Acceleration Industry Certifications**

The funding weights are as follows:

- 0.5 FTE for certifications with a statewide articulation agreement of 15 to 29 college credit hours.
- 1.0 FTE for certifications with a statewide articulation agreement of 30 or more college credit hours.

➤ **What changes were made that required teacher bonuses to be paid from the add-on FTE associated with the “CAPE Industry Certification Funding List”?**

Teacher bonuses are required for certifications funded in the FEFP with a weight 0.3, 0.5, and 1.0 at a value of \$50 for teachers whose direct instruction led to the attainment of the industry certification.

➤ **What other changes were made to FEFP add-on FTE calculation for industry certification attainment?**

The funding cap of 0.3 FTE per student for high school students was removed from the funding calculation. In addition, the law removes the funding limitation of \$60 million annually.

Additional provisions

- Section 5 amends s. 1003.4281, F.S., Early high school graduation.
 - Provides that additional FTE for early high school graduation is based solely on how early a student graduates, without consideration of the accumulation of unpaid high school credits.
- Section 21 – s. 1003.572, F.S., Collaboration of public and private instructional personnel.
 - School districts may not impose any requirements or charge any fees beyond those specified in law when parents choose the option to have private instructional personnel observe their child in the educational setting.
- Section 22 – s. 1008.25, F.S., Public school student progression; remedial instruction; reporting requirements:
 - **What are the additional requirements of districts to notify parents in writing that their child has been identified at risk of third grade retention due to reading deficiencies?**
The district is required to provide in writing the specific criteria and policies for a portfolio and the evidence required for a student to demonstrate mastery of

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Florida's grade 3 English language arts standards. A parent of a student that is identified at risk for retention at any time during the school year may request the school to immediately begin collecting evidence for a portfolio.

➤ **What are the requirements of districts for grade 4 students who were promoted based on good cause exemption?**

Schools must provide intensive reading instruction and intervention that includes specialized diagnostic information and specific reading strategies to meet the needs of students promoted to grade 4 with a good cause exemption. The school district must provide schools and teachers with strategies that research has shown to be effective for improving student achievement with students that demonstrate reading deficiencies.

➤ **What are the good cause exemptions for students who have been previously retained?**

Students who have received two or more years of intensive reading intervention and were previously retained in kindergarten, grade 1, grade 2 or grade 3 for a total of two years meet the criteria for good cause exemption. Students may not be retained in grade 3 more than once.

- Section 33 – s. 1003.4282, F.S., Requirements for a standard high school diploma

➤ **Can an online Driver Education course be used to meet the online course graduation requirement?**

Yes. Students will be eligible to utilize an online Driver Education course to count as the required online course requirement for high school graduation.

- Section 35 creates s.1003.4995, F.S., Fine arts report.

➤ **What are the requirements for the Fine Arts report?**

A Fine Arts report will be posted on the FDOE's website and updated annually. It will describe the following:

- Student access to and participation in fine arts courses;
- The number and certification status of educators providing instruction in the courses;
- Educational facilities designed and classroom space equipped for fine arts instruction; and
- The manner in which schools are providing the core curricular content for fine arts established in the Next Generation Sunshine State Standards

➤ **What courses are considered fine arts courses?**

Fine arts courses include visual arts, music, dance, and theatre courses.