A bill to be entitled
An act relating to education; amending s. 11.45, F.S.;
revising the frequency of specified audits conducted
by the Auditor General; amending s. 1002.385, F.S.;
authorizing certain students who turn 3 years of age
after a certain date to receive a Gardiner Scholarship
under certain circumstances; revising student
ineligibility criteria for participation in the
program; revising the conditions necessary for program
funds to revert to the state; authorizing certain
students to continue using scholarship funds from
prior years; requiring certain student's accounts to
be closed if his or her parent fails to procure
specified services; providing that certain students
are ineligible for a scholarship; deleting a provision
allowing certain students to become eligible for a
scholarship; amending s. 1002.394, F.S.; revising
student priority criteria for an award under the
Family Empowerment Scholarship Program; requiring
requests for such scholarship to be provided directly
to an eligible nonprofit scholarship-funding
organization; deleting a notification requirement;
requiring the maximum household income level to be
increased under certain circumstances; revising
student ineligibility criteria and school district
obligations for such scholarship; requiring the Department of Education to maintain a specified list and notify such organizations of a specified deadline; requiring participating private schools to annually report certain scores to a state university; revising such organization's obligations; requiring, rather than authorizing, an annual specified increase in the maximum number of students participating in such program; amending s. 1002.395, F.S.; revising student eligibility criteria for initial and renewal awards under the Florida Tax Credit Scholarship Program; requiring that certain students be given priority for such program; authorizing eligible nonprofit scholarship-funding organizations to use certain income for specified purposes; amending s. 1002.40, F.S.; revising the criteria for a public school to have a specified entity evaluate its bullying prevention education program, climate, and code of student conduct under the Hope Scholarship Program; amending s. 1003.4282, F.S.; deleting obsolete language; requiring certain students to take a specified assessment relating to civic literacy; providing that such assessment meets certain postsecondary requirements under specified circumstances; amending s. 1006.33, F.S.; authorizing
the department to establish timeframes for specified purposes relating to instructional materials for a certain adoption cycle; amending s. 1008.212, F.S.; conforming cross-references to changes made by the act; amending s. 1008.22, F.S.; deleting obsolete language; discontinuing a specified English Language Arts assessment at a certain time; requiring certain statewide, standardized assessments to be administered in a paper-based format; requiring school districts to provide the SAT or ACT to certain grade 11 students beginning in a specified school year; deleting specified reporting requirements; authorizing the commissioner to discontinued the Geometry end-of-course assessment under certain circumstances; amending ss. 1008.34 and 1008.3415, F.S.; conforming cross-references to changes made by the act; requiring the Commissioner of Education to submit to certain entities by a specified date a report with recommendations relating to the implementation of the Pathways in Technology Early College High School program or a similar program; providing requirements for such program and report; providing for expiration; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Paragraph (1) of subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(1) At least every 3 years, Annually conduct operational audits of the accounts and records of eligible nonprofit scholarship-funding organizations receiving eligible contributions under s. 1002.395, including any contracts for services with related entities, to determine compliance with the provisions of that section. Such audits shall include, but not be limited to, a determination of the eligible nonprofit scholarship-funding organization's compliance with s. 1002.395(6)(j). The Auditor General shall provide its report on the results of the audits to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Legislative Auditing Committee, within 30 days of completion of the audit.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).
Section 2. Paragraph (a) of subsection (3), paragraphs (c), (d), and (e) of subsection (4), paragraph (b) of subsection (6), paragraphs (e) and (f) of subsection (11), and paragraph (j) of subsection (12) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

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

(a) The student:

1. Is a resident of this state;

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

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

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
A student with a disability who meets the requirements of this paragraph, but who turns 3 years of age after September 1, may be determined to be eligible for a Gardiner Scholarship on or after his or her third birthday and may be awarded a scholarship if program funds are available.

(4) PROGRAM PROHIBITIONS.—A student is not eligible for the program if he or she is:

(c) Receiving a scholarship pursuant to the Florida Tax Credit Scholarship Program under s. 1002.395 or the John M. McKay Scholarships for Students with Disabilities Program under s. 1002.39.

(d) Receiving any other educational scholarship pursuant to this chapter.

(e) Enrolled in the Florida School for the Deaf and the Blind.

(6) TERM OF THE PROGRAM.—For purposes of continuity of educational choice and program integrity:

(b)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 pursuant to paragraph (5)(f), 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 (5); 
b. Any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution; or 
c. Two three consecutive fiscal years in which an account has been inactive.

2. The commissioner must notify the parent and the organization when a Gardiner Scholarship account is closed and program funds revert to the state.

(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.

e. The parent must annually renew participation in the program in order for a student to be eligible to receive funding. A student whose participation in the program is not
renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be closed pursuant to paragraph (6)(b). Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal. However, for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the child's application for renewal of program participation must contain documentation that the child has a disability defined in paragraph (2)(d) other than high-risk status.

(f) The parent is responsible for procuring the services necessary to educate the student. If a parent does not procure the necessary educational services for the student and the student's account has been inactive for 2 consecutive fiscal years, the student is ineligible and the student's account must be closed pursuant to paragraph (6)(b) for additional scholarship payments until the scholarship funding organization verifies that expenditures from the account have occurred. When the student receives a Gardiner Scholarship, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when
requested by the parent, school district personnel must develop an individual education plan or matrix level of services.

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

(12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An organization may establish Gardiner Scholarships for eligible students by:

(j) Documenting each scholarship student's eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3)(b). A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years and the student's account must be closed pursuant to paragraph (6)(b). However, once an eligible expenditure is made pursuant to paragraph (11)(f), the student is eligible for a scholarship based on available funds.

Section 3. Subsection (3), paragraph (f) of subsection (5), paragraph (a) of subsection (6), paragraph (c) of subsection (8), paragraph (a) of subsection (10), and paragraph (a) of subsection (11) of section 1002.394, Florida Statutes, are amended, and paragraphs (c) and (d) are added to subsection (7) of that section, to read:

1002.394 The Family Empowerment Scholarship Program.—

(3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible for a Family Empowerment Scholarship under this section if the
student meets the following criteria:

(a) 1. The student is on the direct certification list pursuant to s. 1002.395(2)(c) or the student's household income level does not exceed 300 percent of the federal poverty level; or

2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01.

Eligible students who received a Family Empowerment Scholarship during the previous school year Priority shall be given first priority. New applicants to students whose household income levels do not exceed 185 percent of the federal poverty level, who are in foster care or out-of-home care, or who are a dependent child of a member of the United States Armed Forces shall be given priority among new applicants. A student who initially receives a scholarship based on eligibility under subparagraph 2. remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

(b) The student is eligible to enroll in kindergarten
through second grade, or has spent the prior school year in attendance at a Florida public school, or received a scholarship pursuant to s. 1002.395 during the previous school year and, before initial receipt of such scholarship, spent the prior school year in attendance at a Florida public school. For purposes of this paragraph, prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program. However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent's permanent change of station orders or a foster child is exempt from the prior public school attendance requirement under this paragraph, but must meet the other eligibility requirements specified under this section to participate in the program.

(c) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (8), and the parent has requested a scholarship from an eligible nonprofit scholarship-funding organization the Department of Education at least 60 days before the date of the first scholarship payment. The request must be communicated
directly to an eligible nonprofit scholarship-funding organization 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 school district of the parent's intent upon receipt of the parent's request.

(d) The maximum household income level shall be increased by 25 percent in the fiscal year following any fiscal year in which more than 5 percent of the available scholarships authorized under subsection (11) have not been awarded.

(5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a Family Empowerment Scholarship while he or she is:

(f) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year.

(6) SCHOOL DISTRICT OBLIGATIONS.—

(a) By February 2019, and by April 1 of each year thereafter, a school district shall inform all households within the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply to an eligible nonprofit scholarship-funding organization for a Family Empowerment Scholarship. The form of such notice shall be provided by the department, and the school district shall include the provided form in any normal
correspondence with eligible households. Such notice is limited to once a year.

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

(c) Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8)(c)1. The tests must meet industry standards of quality in accordance with state board rule.

(d) Notify eligible nonprofit scholarship-funding organizations of the deadline for submitting the verified list of students determined to be eligible for a scholarship.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the Family Empowerment Scholarship Program, a private school may be sectarian or nonsectarian and must:

(c)1. Annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or to take 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 his or her parent. By August 15 of each year, a participating private school must report the scores of all participating students to a state university as described in s. 
2. Administer the statewide assessments pursuant to s. 1002.395(9)(f).

If a private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the private school is ineligible to participate in the scholarship program.

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

(a) Shall verify the household income level of students pursuant to subparagraph (3)(a)1. and submit to the department the verified list of students and related documentation to enable the department to determine student eligibility pursuant to paragraph (7)(b). The department must notify the school district of the parent's intent to participate in the scholarship program upon receipt of the verified list.
(a) The scholarship is established for up to 18,000 students annually on a first-come, first-served basis beginning in with the 2019-2020 school year. Beginning in the 2020-2021 school year, the maximum number of students participating in the scholarship program under this section shall may annually increase by 1.0 0.25 percent of the state's total public school student enrollment.

Section 4. Subsections (3) and (6) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—
(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—
(a) The Florida Tax Credit Scholarship Program is established.
(b) A student is eligible for a Florida tax credit scholarship under this section if the student meets one or more of the following criteria:
   1. The student is on the direct certification list or the student's household income level does not exceed 260 185 percent of the federal poverty level; or
   2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01.
   3. The student's household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.
For purposes of continuity of educational choice, a student who initially receives a scholarship under this section based on eligibility under subparagraph (b)2. remains eligible to participate until the student enrolls in a Florida public school, graduates from high school, or attains the age of 21 years, whichever occurs first. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a Florida public school, regardless of the student's household income level. A student who initially received a scholarship based on income eligibility before the 2019-2020 school year remains eligible to participate until he or she graduates from high school, attains the age of 21 years, or the student's household income level exceeds 260 percent of the federal poverty level, whichever occurs first. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

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

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

(b) Must comply with the following background check
requirements:

1. All owners and operators as defined in subparagraph (2)(i)1. are, before employment or engagement to provide services, subject to level 2 background screening as provided under chapter 435. 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 by an employee of the eligible nonprofit scholarship-funding organization 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 results of the state and national criminal history check shall be provided to the Department of Education for screening under chapter 435. The cost of the background screening may be borne by the eligible nonprofit scholarship-funding organization or the owner or operator.

2. Every 5 years following employment or engagement to provide services or association with an eligible nonprofit scholarship-funding organization, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the nonprofit scholarship-funding organization 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 eligible nonprofit scholarship-funding organization 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.

3. 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.

4. 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 Department of Education. The Department of Education shall participate in this search process by paying an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the
employment, engagement, or association status of the owners or operators whose fingerprints are retained under subparagraph 3.

The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon the Department of Education for performing these services and establishing the procedures for the retention of owner and operator fingerprints and the dissemination of search results. The fee may be borne by the owner or operator of the nonprofit scholarship-funding organization.

5. A nonprofit scholarship-funding organization whose owner or operator fails the level 2 background screening is not eligible to provide scholarships under this section.

6. A nonprofit scholarship-funding organization whose owner or operator in the last 7 years has filed for personal bankruptcy or corporate bankruptcy in a corporation of which he or she owned more than 20 percent shall not be eligible to provide scholarships under this section.

7. 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.

(c) Must not have an owner or operator who owns or operates an eligible private school that is participating in the scholarship program.

(d) Must provide scholarships, from eligible contributions, to eligible students for the cost of:

1. Tuition and fees for an eligible private school; or
2. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.

(e) Must give first priority to eligible students who received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous school year. Beginning in the 2016–2017 school year, an eligible nonprofit scholarship-funding organization shall give priority to New applicants whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care shall be given priority among new applicants.
(f) Must provide a scholarship to an eligible student on a first-come, first-served basis unless the student qualifies for priority pursuant to paragraph (e).

(g) May not restrict or reserve scholarships for use at a particular private school or provide scholarships to a child of an owner or operator.

(h) Must allow a student in foster care or out-of-home care or a dependent child of a parent who is a member of the United States Armed Forces to apply for a scholarship at any time.

(i) Must allow an eligible student to attend any eligible private school and must allow a parent to transfer a scholarship during a school year to any other eligible private school of the parent's choice.

(j)1. May use eligible contributions received pursuant to this section and ss. 212.099, 212.1832, and 1002.40 during the state fiscal year in which such contributions are collected and the income earned from such contributions for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization 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 paragraph (m). Administrative expenses from eligible contributions may not exceed 3 percent of the total amount of all scholarships awarded by an eligible nonprofit scholarship-
funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships awarded under this chapter. No funds authorized under this subparagraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

2. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. No later than September 30 of each year, net
eligible contributions remaining on June 30 of each year that
are in excess of the 25 percent that may be carried forward
shall be used to provide scholarships to eligible students or
transferred to other eligible nonprofit scholarship-funding
organizations to provide scholarships for eligible students. All
transferred funds must be deposited by each eligible nonprofit
scholarship-funding organization receiving such funds into its
scholarship account. All transferred amounts received by any
eligible nonprofit scholarship-funding organization must be
separately disclosed in the annual financial audit required
under paragraph (m).

3. Must, before granting a scholarship for an academic
year, document each scholarship student's eligibility for that
academic year. A scholarship-funding organization may not grant
multiyear scholarships in one approval process.

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.

(k) Must maintain separate accounts for scholarship funds
and operating funds.

(l) With the prior approval of the Department of
Education, may transfer funds to another eligible nonprofit
scholarship-funding organization if additional funds are required to meet scholarship demand at the receiving nonprofit scholarship-funding organization. A transfer is limited to the greater of $500,000 or 20 percent of the total contributions received by the nonprofit scholarship-funding organization making the transfer. All transferred funds must be deposited by the receiving nonprofit scholarship-funding organization into its scholarship accounts. All transferred amounts received by any nonprofit scholarship-funding organization must be separately disclosed in the annual financial and compliance audit required in this section.

(m) Must provide to the Auditor General and the Department of Education a report on the results of an annual financial audit of its accounts and records conducted by an independent certified public accountant in accordance with auditing standards generally accepted in the United States, government auditing standards, and rules promulgated by the Auditor General. The audit report must include a report on financial statements presented in accordance with generally accepted accounting principles. Audit reports must be provided to the Auditor General and the Department of Education within 180 days after completion of the eligible nonprofit scholarship-funding organization's fiscal year. The Auditor General shall review all audit reports submitted pursuant to this paragraph. The Auditor General shall request any significant items that were omitted in
violation of a rule adopted by the Auditor General. The items
must be provided within 45 days after the date of the request.
If the scholarship-funding organization does not comply with the
Auditor General's request, the Auditor General shall notify the
Legislative Auditing Committee.

(n) Must prepare and submit quarterly reports to the
Department of Education pursuant to paragraph (9)(i). 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 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; 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, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter 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.

c. Must monitor the compliance of a private school with s. 1002.421(1)(q) 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), the appropriate scholarship-funding organization shall annually notify the Commissioner of Education by October 30 of:

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

(II) Any material exceptions set forth in the report required under s. 1002.421(1)(q).
2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools and the Department of Education 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). 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 10-year cost of acquiring a surety bond or letter of credit by 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, Effective Access to Student Education 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.

(q) Must provide to the Auditor General any information or documentation requested in connection with an operational audit of a scholarship funding organization conducted pursuant to s.
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.

Section 5. Paragraph (d) of subsection (8) of section 1002.40, Florida Statutes, is amended to read:

1002.40 The Hope Scholarship Program.—

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

(d) Contract with an independent entity to provide an annual evaluation of the program by:

1. Reviewing the school bullying prevention education program, climate, and code of student conduct of each public school from which 10 or more students transferred to another public school or private school using the Hope scholarship in a single academic year to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights that are in need of improvement. At a minimum, the review must include:

a. An assessment of the investigation time and quality of the response of the school and the school district.

b. An assessment of the effectiveness of communication
procedures with the students involved in an incident, the
students' parents, and the school and school district personnel.

c. An analysis of school incident and discipline data.

d. The challenges and obstacles relating to implementing
recommendations from the review.

2. Reviewing the school bullying prevention education
program, climate, and code of student conduct of each public
school to which a student transferred if the student was from a
school identified in subparagraph 1. in order to identify best
practices and make recommendations to a public school at which
the incidents occurred.

3. Reviewing the performance of participating students
enrolled in a private school in which at least 51 percent of the
total enrolled students in the prior school year participated in
the program and in which there are at least 10 participating
students who have scores for tests administered.

4. Surveying the parents of participating students to
determine academic, safety, and school climate satisfaction and
to identify any challenges to or obstacles in addressing the
incident or relating to the use of the scholarship.

Section 6. Paragraphs (a) and (d) of subsection (3) and
paragraph (e) of subsection (10) of section 1003.4282, Florida
Statutes, are amended to read:

1003.4282  Requirements for a standard high school
diploma.—
(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(a) Four credits in English Language Arts (ELA).—The four credits must be in ELA I, II, III, and IV. A student must pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score, in order to earn a standard high school diploma.

(d) Three credits in social studies.—A student must earn one credit in United States History; one credit in World History; one-half credit in economics; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. Beginning with the 2020-2021 school year, all students in grade 12 shall take the assessment of civic literacy identified by the State Board of Education under s. 1007.25(4). A student who earns a passing score on the assessment is exempt from the postsecondary civic literacy assessment required by s. 1007.25(4).

(10) STUDENTS WITH DISABILITIES.—Beginning with students entering grade 9 in the 2014-2015 school year, this subsection applies to a student with a disability.

(e) Any waiver of the statewide, standardized assessment requirements by the individual education plan team, pursuant to s. 1008.22(3)(d) or s. 1008.22(3)(e), must be approved by the parent and is subject to verification for appropriateness by an
independent reviewer selected by the parent as provided for in s. 1003.572.

The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to implement this subsection, including rules that establish the minimum requirements for students described in this subsection to earn a standard high school diploma. The State Board of Education shall adopt emergency rules pursuant to ss. 120.536(1) and 120.54.

Section 7. Effective upon this act becoming a law, subsection (5) is added to section 1006.33, Florida Statutes, to read:

1006.33 Bids or proposals; advertisement and its contents.—

(5) Notwithstanding the requirements of this section and rules adopted to implement this section, for the 2020 adoption cycle, the department may establish timeframes for the advertisement and submission of bids for instructional materials.

Section 8. Paragraph (a) of subsection (1) and subsection (2) of section 1008.212, Florida Statutes, are amended to read:

1008.212 Students with disabilities; extraordinary exemption.—

(1) As used in this section, the term:

(a) "Circumstance" means a situation in which
accommodations allowable for use on the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d) s. 1008.22(3)(c) are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

(2) A student with a disability for whom the individual education plan (IEP) team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d) s. 1008.22(3)(c) shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with rule 6A-6.03020, Florida Administrative Code, is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.
Section 9. Paragraphs (a) and (b), present paragraph (c), and paragraphs (d) and (g) of subsection (3) and paragraphs (a) and (c) of subsection (7) of section 1008.22, Florida Statutes, are amended, a new paragraph (c) is added to subsection (3), and paragraph (h) is added to subsection (3) of that section, 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 8 and grade 10. The grade 9 ELA assessment shall be last administered in the 2021-2022 school year. 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. 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). Statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be delivered in a paper-based format.

(b) End-of-course (EOC) assessments. EOC assessments must be statewide, standardized, and developed or approved by the Department of Education as follows:

1. EOC assessments for Algebra I, Geometry, Biology I, United States History, and Civics shall be administered to students enrolled in such courses as specified in the course code directory. The Geometry EOC assessment shall be administered to students enrolled in such courses as specified in the course code directory until it is discontinued under paragraph (h).

2. Students enrolled in a course, as specified in the course code directory, with an associated statewide, standardized EOC assessment must take the EOC assessment for such course and may not take the corresponding subject or grade-level statewide, standardized assessment pursuant to paragraph (a). Sections 1003.4156 and 1003.4282 govern the use of statewide, standardized EOC assessment results for students.

3. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International
Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the CAPE Industry Certification Funding List, for use as EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.

4. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved by the state board, student performance on such assessments constitutes 30 percent of a student's final course grade.

5. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (d) (e).

6. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective
AP, IB, or AICE assessment and earns the minimum score necessary
to earn college credit, as identified in s. 1007.27(2), meets
the requirements of this paragraph and does not have to take the
EOC assessment for the corresponding course.

(c) Nationally recognized high school assessments.—

Subject to legislative appropriation, each school district
shall, beginning with the 2021-2022 school year, select either
the SAT or ACT for districtwide administration to each public
school student in grade 11, including students attending public
high schools, alternative schools, and centers of the Department
of Juvenile Justice.

(d) Students with disabilities; Florida Alternate Assessment.—

1. Each district school board must provide instruction to
prepare students with disabilities in the core content knowledge
and skills necessary for successful grade-to-grade progression
and high school graduation.

2. A student with a disability, as defined in s. 1007.02, for whom the individual education plan (IEP) team determines
that the statewide, standardized assessments under this section
cannot accurately measure the student's abilities, taking into
consideration all allowable accommodations, shall have
assessment results waived for the purpose of receiving a course
grade and a standard high school diploma. Such waiver shall be
designated on the student's transcript. The statement of waiver
shall be limited to a statement that performance on an
assessment was waived for the purpose of receiving a course
grade or a standard high school diploma, as applicable.

3. The State Board of Education shall adopt rules, based
upon recommendations of the commissioner, for the provision of
assessment accommodations for students with disabilities and for
students who have limited English proficiency.
   a. Accommodations that negate the validity of a statewide,
standardized assessment are not allowed during the
administration of the assessment. However, instructional
accommodations are allowed in the classroom if identified in a
student's IEP. Students using instructional accommodations in
the classroom that are not allowed on a statewide, standardized
assessment may have assessment results waived if the IEP team
determines that the assessment cannot accurately measure the
student's abilities.
   b. If a student is provided with instructional
accommodations in the classroom that are not allowed as
accommodations for statewide, standardized assessments, the
district must inform the parent in writing and provide the
parent with information regarding the impact on the student's
ability to meet expected performance levels. A parent must
provide signed consent for a student to receive classroom
instructional accommodations that would not be available or
permitted on a statewide, standardized assessment and
acknowledge in writing that he or she understands the implications of such instructional accommodations.

   c. If a student's IEP states that online administration of a statewide, standardized assessment will significantly impair the student's ability to perform, the assessment shall be administered in hard copy.

4. For students with significant cognitive disabilities, the Department of Education shall provide for implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the Next Generation Sunshine State Standards.

   (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 6 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.

(g) Contracts for assessments.—

1. The commissioner shall provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner may enter into contracts for the continued administration of the assessments authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials
developed pursuant to law.

2. A student's performance results on statewide, standardized assessments, EOC assessments, and Florida Alternative Assessments administered pursuant to this subsection must be provided to the student's teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education. This subparagraph does not apply to existing contracts for such assessments, but shall apply to new contracts and any renewal of existing contracts for such assessments.

3. If liquidated damages are applicable, the department shall collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the department's Florida Standards Assessment contract with American Institutes for Research, and expend the funds to reimburse parties that incurred damages.

(h) Assessment flexibility.—The Department of Education shall seek approval from the United States Department of Education to use the nationally recognized high school assessments administered under paragraph (c) as the state's high school assessment in mathematics under federal law. If the department receives approval, the commissioner may discontinue the Geometry end-of-course assessment.

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—
(a) The Commissioner of Education shall establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedules. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts, consistent with the requirements of paragraph (3)(g). Assessment results for the statewide, standardized ELA and mathematics assessments and all statewide, standardized EOC assessments must be made available no later than June 30, except for results for the grade 3 statewide, standardized ELA assessment, which must be made available no later than May 31. School districts shall administer statewide, standardized assessments in accordance with the schedule established by the commissioner.

(c) Beginning with the 2018-2019 school year, The spring administration of the statewide, standardized assessments in paragraphs (3)(a) and (b), excluding assessment retakes, must be in accordance with the following schedule:

1. The grade 3 statewide, standardized ELA assessment and the writing portion of the statewide, standardized ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not to exceed 2 weeks.

2. With the exception of assessments identified in
subparagraph 1., any statewide, standardized assessment that is delivered in a paper-based format must be administered no earlier than May 1 each year within an assessment window not to exceed 2 weeks.

3. With the exception of assessments identified in subparagraphs 1. and 2., any statewide, standardized assessment must be administered within a 4-week assessment window that opens no earlier than May 1 each year.

Each school district shall administer the assessments identified under subparagraphs 2. and 3. no earlier than 4 weeks before the last day of school for the district.

Section 10. Paragraph (a) of subsection (1) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(1) DEFINITIONS.—For purposes of the statewide, standardized assessment program and school grading system, the following terms are defined:

(a) "Achievement level," "student achievement," or "achievement" describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment administered pursuant to s. 1008.22(3)(a) and (b). There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest
achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5. For purposes of the Florida Alternate Assessment administered pursuant to s. 1008.22(3)(d) and s. 1008.22(3)(c), the state board shall provide, in rule, the number of achievement levels and identify the achievement levels that are considered passing.

Section 11. Subsection (2) of section 1008.3415, Florida Statutes, is amended to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(2) Notwithstanding s. 1008.34, the achievement levels and Learning Gains of a student with a disability who attends an exceptional student education center and has not been enrolled in or attended a public school other than an exceptional student education center for grades K-12 within the school district shall not be included in the calculation of the home school's grade if the student is identified as an emergent student on the alternate assessment described in s. 1008.22(3)(d) and s. 1008.22(3)(c).

Section 12. Pathways in Technology Early College High School (P-TECH) program.—

(1) By December 1, 2020, the Commissioner of Education shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors,
and the State Board of Education a report with recommendations that address the feasibility of implementing the Pathways in Technology Early College High School (P-TECH) program, or a similar program, in Florida. The P-TECH program must:

(a) Incorporate secondary and postsecondary education with workforce education and work experience through a flexible 6-year integrated model.

(b) Allow students to earn a high school diploma, an associate degree, and applicable industry certifications and gain work experience within 6 years after enrolling in the 9th grade.

(c) Have an open enrollment policy that encourages a diverse student body, including students from low-income families and first-generation college students.

(d) Support student success through flexible class scheduling, advising and mentoring components, and other wrap-around services.

(e) Provide seamless articulation with Florida's postsecondary institutions.

(2) The report must, at a minimum, include the following:

(a) Timelines for implementing a P-TECH program, or a similar program, as described in subsection (1), including courses of study which support program completion in 4 to 6 years and which meet regional workforce demand.

(b) A funding model that provides the P-TECH program, or a
similar program, at no cost to students. The funding model may incorporate K-12, postsecondary, and workforce funding, grants, scholarships, and other funding options.

(c) Partnerships with industries and businesses, which include private investment, work-based training, internships, and priority placement for job opportunities upon graduation.

(d) Recommendations for modifications, if any, to the school and school district accountability requirements of s. 1008.34, Florida Statutes.

(3) This section shall take effect upon this act becoming a law and shall expire on December 1, 2020.

Section 13. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020.