

FSBA

BOARDER-LINE

Official Legislative Bulletin of the
Florida School Boards Association

March 24, 2006

Volume 2006, Number 3

(Editor's Note: Because of the demands of preparing for FSBA's Day In the Legislature Conference, we were unable to publish an issue of Boarder-Line last week. Therefore, this issue covers the two week period of March 13 - 24, 2006)

A++ Legislation

As we reported in our last edition of Boarder-Line, both the House and Senate have filed omnibus "A++" bills that address a variety of important educational issues, including middle and high school reform, workforce and career education, assessment and accountability, school grading policies, reading initiatives, differentiated and performance pay, and professional development. The House has worked to amend and refine its version of the legislation (HB 7087). The bill passed the House Education Council last week, passed the full House this week, and is now in messages to the Senate. Meanwhile, the Senate has yet to consider its version of the legislation (SB 2048) in any committee. Our **chart**, which provides a summary and comparison of the major provisions of these bills, has been updated to reflect all amendments made to the House version of bill. Please be sure to carefully review the sections of the chart relating to middle and high school reform, workforce and career education, and differentiated and performance pay.

Jessica Lunsford Act / Background Screening

As you know, the Jessica Lunsford Act was passed by the legislature during the 2005 Legislative Session. Among many provisions of the legislation is the requirement that noninstructional contractual personnel who are permitted access on school grounds when students are present must meet Level 2 screening requirements. This year, both the House and Senate have returned to this legislation with filed bills (*HB 7117 and SB 2280*) that seek to resolve the logistical and implementation concerns raised by school districts, contractors, FDLE, and others. There are several differences between the current versions of the House and Senate bills that will need to be resolved. Below is a brief summary of the provisions of each bill.

HB 7117 – Sexual Predators and Offenders by Criminal Justice

The bill requires that all driver's licenses or identification cards issued or reissued to sexual predators or sexual offenders must have markings on the front of the card indicating the section of statute under which they are registered. It is unlawful for any person to have in his or her possession a driver's license or identification card upon which the sexual predator or sexual offender markings are not displayed or have been altered. The bill

provides that a sexual predator or sexual offender is not permitted to be on school grounds for business or employment purposes. The bill requires a person on school grounds for business or employment purposes to carry his or her driver's license or identification card and present it upon request. The bill provides that before allowing an employee to have access to school grounds, a contractor will be required to provide the school district with certification that the contractor has examined their employee's driver's license or ID card and confirmed that the driver's license or ID card does not indicate that the person is a sexual predator or sexual offender. In addition, the contractor must certify that the contractor has checked the individual against the National Sex Offender Public Registry and confirmed that nothing in that registry requires that the individual be denied access to school grounds. The bill also authorizes a superintendent, on a case-by-case basis, to require any authorized individual to undergo a fingerprint-based background screening and meet level 2 screening requirements.

SB 2280 – High Risk Offender/Screening/Schools by Argenziano

This bill includes similar requirements regarding distinctive markings on driver's licenses and ID cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders and provides a list of offenses that disqualifies a contractor from having access to school grounds when students are present. The bill exempts from Level 2 background checks those contractors who are under the direct supervision of persons who meet screening requirement, however, exempt contractors are subject to a search of the state and national registry of sexual predators and sexual offenders. The bill clarifies that contractors who contract directly with schools (such as athletic officials) are required to undergo Level 2 background checks and specifies that Level 2 background checks need to be performed every 3 years. The bill caps fees of Level 2 background checks at no more than 30% of total state and FBI costs and requires the cost to be borne by school board, contractor, school, or individual. The bill provides immunity from civil and criminal liability for those persons who share Level 2 background check information in good faith and requires districts to accept Level 2 background checks results from other districts. FDLE is required to implement a system for school districts to share the results of Level 2 background checks.

Firesafety Inspections of Educational Facilities

Last year, the Division of State Fire Marshal proposed revisions to Chapter 69A-58 of the Florida Administrative Code relating to Firesafety in Educational Facilities. The proposed revisions addressed the sections related to general code requirements and inspections of existing facilities, as well as issues related to plans review and inspection responsibilities related to new construction. If adopted, the proposed changes would have removed the authority of school boards to conduct in-house plans review and permitting of new construction and remodeling of public school facilities. In response, FSBA and FADSS, working in conjunction with DOE, the Florida School Plant Management Association (FSPMA), and the Florida Educational Facilities Planners Association (FEFPA), testified in opposition to these proposed rules at the public rule hearings held in June 2005. FSBA's opposition was based upon the belief that the proposed rules were not based on clear statutory authority and that they would infringe upon school district authority with respect to school construction.

As a result of the opposition expressed, the Division of the State Fire Marshal decided to remove many of the revisions and references relating to new school construction from the proposed rules, but determined to move forward with adoption of remaining revisions. Unfortunately, FSBA, FADSS, and the other school district stakeholder groups continued to have a number of objections and concerns about the revised proposed rules. Again, the associations expressed opposition to the revised proposed rules at public hearings that were held in December 2005. FSBA and FADSS also sent a joint *letter* to State Fire Marshal, Tom Gallagher, requesting that the proposed rules be withdrawn from further consideration or, at the very least, that the proposed rules be withdrawn from further consideration and that negotiated rulemaking be initiated.

Once again, the Division of the State Fire Marshal revised the proposed rules in accordance with the concerns raised by school districts. Public hearings on this third revision of the proposed rules were held in February and March 2006. At these hearings, a series of clarifying amendments were offered by DOE and various school district facilities personnel. Otherwise, the proposed rules that were presented at that meeting were generally acceptable to FSBA. At the conclusion of the public hearings, representatives of the Division of the State Fire Marshal announced that the clarifying amendments would be incorporated into the rules prior to final publication. At present, no further revisions have been proposed, and it is our expectation that this issue has been resolved. *(If you wish to review the latest version of the proposed changes to the rules, please use the link below to access the January 27, 2006 issue of Florida Administrative Weekly. The revised rules begin on page 356: <http://faw.dos.state.fl.us/fawframes.html>)*

Action on Key Bills March 13 - 24, 2006

HB 75 – McKay Scholarships/Disabilities by Bilirakis

Revises definition of term "students with disabilities"; revises student eligibility requirements by allowing students who spent the prior year in Florida public school, including the Florida School for Deaf and Blind or a Department of Juvenile Justice commitment program to be eligible; revises provisions regarding scholarship funding and payment; revises reporting, funding and payment requirements for former Florida School for Deaf and Blind students and for students exiting Juvenile Justice program.

ACTION: Passed the House Education Council and the House floor

SB 84 – Exceptional Student Instruction by Lynn

Provides guidelines for determining residency of student who receives instruction as exceptional student with disability; provides that exceptional students who have disabilities who reside in a residential facility and receive special instruction or services are to be considered residents of the state in which the student's parent or guardian is a resident, and that state or parent is to be responsible for the costs instruction, facilities, and services; prohibits school districts from reporting these nonresident exceptional education students when requesting funding in the FEFP; requires DOE to develop individual education plan form for use in developing and implementing individual education plans for exceptional students.

ACTION: Passed the Senate Education Committee as amended

HB 397 – Observance of Veterans' Day/Schools by Davis

Requires school districts to observe Veterans' Day; prohibits holding classes on that day.

ACTION: Passed the House Pre-K – 12 Committee

SB 434 – Sales Tax/K-12 School by Bennett

Provides exemption for tangible personal property sold to contractor employed directly by or as agent of U. S. Government or state or local government when such property will become part of public K-12 school owned by governmental entity; provides duties of governmental entities, contractors, and sellers regarding documentation and recordkeeping.

ACTION: Passed Senate Education Committee as amended

SB 464 – Accelerated High School Graduation by Constantine

Revises requirements applicable to selecting options for accelerated high school graduation; revises required courses for 3-year standard college preparatory program; deletes provisions authorizing student to select 3-year standard career preparatory program; revises requirements for grades that must be earned to participate in said program; provides for default to standard graduation requirements in certain circumstances.

ACTION: Passed the Senate Education Committee

HB 481 – District School Taxation/Millage by Poppell

Expands the approved expenditures of school district two mill revenue to allow for the payment of property and casualty insurance premiums on educational plants; requires that if insurance premiums are paid out of the two-mill non-operating millage, the operating revenue saved must be used for non-recurring operational expenditures only.

ACTION: Passed the House Pre-K – 12 Committee as amended

HB 535 – School Safety/Bullying & Harassment by Bogdanoff

Prohibits bullying and harassment of students during education programs and activities, on school buses, or through use of data or computer software; requires school districts to adopt policies and provides minimum requirements for district policies; requires DOE approval of school district's policy and compliance with reporting procedures as prerequisites to receipt of safe school funds.

ACTION: Passed the House Pre-K – 12 Committee as amended

HB 629 – School Food Service Program/Fructose by Zapata

Requires school districts to develop and implement a plan to eliminate high-fructose corn syrup products from their food service programs and on school grounds; requires DOE to monitor the planning and implementation of the removal of high-fructose corn syrup products and annually report on implementation efforts to the Legislature.

ACTION: Passed the House Pre-K – 12 Committee

SB 1146 – Maximum Class Size/Teachers – Co-teaching by King

Amends provisions relating to the implementation of the class size requirements; provides that for fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom must be included in the calculation for compliance; authorizes school districts to use teaching strategies that include the assignment of more than one teacher to a classroom of students if the strategies were implemented prior to July 1, 2005; provides for retroactive application; prohibits imposition of financial or other penalties on a school district that uses any legal strategy.

ACTION: Passed Senate Education Committee

HB 1221 – District School Boards/Chair by Cannon

Provides for alternate procedure for election of district school board chair in any school district that does not have district school board member elected at large; requires referendum; provides requirements for submitting such referendum to electors; provides for resolution of tie vote by said chair and said board members

ACTION: Passed the House Pre-K – 12 Committee

HB 1373 – Supplemental Educational Services by Attkisson

Establishes statewide standards governing the provision of Supplemental Education Services (SES) as required by NCLB; prescribes certain responsibilities to DOE, local education agencies, SES providers, and parents.

ACTION: Passed the House Pre-K – 12 Committee favorably as amended

SB 1480 – Career & Professional Academies by Wise

Establishes two types of career and professional academies including Career High-Skill Occupational Initiative for Career Education (CHOICE) academies and comprehensive career academies; requires rigorous and relevant curriculum that leads to industry-recognized certification in high demand occupations and allows students to simultaneously earn college credit and credit toward a high school diploma; requires district school board student progression plans to provide for substitution of certain courses for credit requirements for high school graduation; authorizes DOE to establish a CHOICE project and a comprehensive career academy project and to select school districts to participate based on specific eligibility requirements.

ACTION: Passed Senate Education Committee

SB 2280 – High Risk Offender/Screening/Schools by Argenziano

Amends the Jessica Lunsford Act provisions relating screening of sexual predators and offenders; requires distinctive markings for driver's licenses and ID cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; provides a list of offenses that disqualifies a contractor from having access to school grounds when students are present; exempts from Level 2 background checks those contractors who are under the direct supervision of persons who meet screening requirement; subjects exempt contractors to a search of the state and national registry of sexual predators and sexual offenders; provides immunity from civil and criminal liability for those persons who share Level 2 background check information in good faith; clarifies that contractors who contract directly with schools (such as athletic officials) are required to undergo Level 2 background checks; specifies that Level 2 background checks need to be performed every 3 years; caps fees of Level 2 background checks at no more than 30% of total state and FBI costs; requires cost to be borne by school board, contractor, school, or individual; requires districts to accept Level 2 background checks results from other districts; and requires FDLE to implement a system for school districts to share the results of Level 2 background checks; provides rulemaking authority.

ACTION: Passed the Senate Criminal Justice Committee as amended

HB 7041 – Scholarship Program Accountability by Choice and Innovation

Substantially amends provisions relating to the John M. McKay Scholarships for Students with Disabilities Program and the Corporate Income Tax Credit (CITC) Scholarship Program; provides fiscal and academic accountability requirements; provides obligations for participating private schools participating, including requirements for state and national background screening in certain circumstances; requires FDLE to adopt a rules relating to background screening fees.

ACTION: Passed the House Education Council and the House floor

HB 7119 Student Athlete Recruiting by Pre-K – 12

Requires the Florida High School Athletic Association (FHSAA) to hold in abeyance certain newly adopted bylaws governing student athlete residence and transfer; creates a task force to review issues concerning student athlete recruiting and make recommendations that preserve parents' rights to review issues concerning student athlete recruiting and make recommendations; requires OPPAGA to conduct an independent review of documented recruiting violations by FHSAA member schools.

ACTION: Passed the House PreK - 12 Committee

HB 7171 – Charter Schools/Multiple Authorizers by Choice and Innovation

Establishes Florida Schools of Excellence Commission as a state-level commission to sponsor and support charter schools and to authorize municipalities, state universities, community colleges, and regional consortia as cosponsors of charter schools throughout the state; provides for Commission membership and startup funds; provides powers and duties of commission, including serving as sponsor of charter schools, approving certain entities to act as cosponsors, approving or denying applications for Florida Schools of Excellence (FSE) charter schools, and developing standards for and evaluating performance; authorizes existing charter schools previously approved and chartered through a district school board to apply and contract with the Commission or one of its cosponsors in certain cases; requires the Commission to annually report to the SBE and provides rulemaking authority.

ACTION: Passed the House Choice and Innovation Committee

Other Bills of Interest

FSBA is currently tracking nearly 500 education related bills that have been filed for consideration during this session. We have posted a list of selected bills that may be of particular interest to school boards. Please contact the FSBA office for more information on these, and any other, bills. In addition, the Senate and House web sites may be accessed at www.leg.state.fl.us for more information on bills, legislators, legislative meeting schedules, and other legislative information.

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Important Legislative Dates

March 7, 2006	2006 Legislative Session Convenes
March 22 - 24, 2006	FSBA Day In the Legislature Conference
April 8 - 11, 2006	66 th Annual NSBA Conference, Chicago
May 5, 2006	2006 Legislative Session Adjourns

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