

# FSBA

# BOARDER-LINE

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## A++

The Senate version of the A++ bill – SB 2048 – received its first hearing this week in the Senate Education Committee. The Education Committee approved several amendments to the bill – some of the amendments bring the Senate bill into closer alignment with the House version, while others revise existing items or introduce new items into the legislation. The major changes to SB 2048 include provisions that:

- Revise requirements for high school graduation to include eight credits in majors, minors, or electives;
- Increase requirements for promotion from middle school to include three courses in science and social studies;
- Repeal the career preparatory accelerated graduation option and revise the standard college preparatory accelerated graduation option;
- Require assessment for students seeking a special high school diploma and for certain students to have the FCAT requirement waived;
- Require district school boards to adopt a differentiated pay policy beginning with the 2007-2008 school year;
- Provide that school districts may forego implementation of the E-COMP performance pay plan until the beginning of the 2007-08 school year; and

The Senate Education Committee passed the bill as a committee substitute. *(Please see our updated **Comparison of House and Senate A++ Bills** for additional information on the provisions of this legislation.)*

## **House and Senate Budget Proposals**

The House and Senate budget proposals were amended and passed on the floor of each chamber this week. While the Senate made no major changes to its K-12 education budget, the House made several amendments to its version of the education budget. The most significant House amendment combines the district discretionary and supplemental discretionary millage rates of 0.25 mills and 0.51 mills into a single maximum discretionary millage rate of 0.75 mills. Under this new single discretionary millage policy, the maximum nonvoted discretionary millage – not to exceed 0.75 mills – is the rate that will raise an amount not to exceed two times the statewide average per FTE, **or** the amount that would have been generated under prior year discretionary millage policies, whichever is greater. In districts where the 0.75 millage levy provides funds per unweighted FTE that are less

than 90% of the statewide average, the school district will receive an additional amount in order to equal 90% of the statewide average. *(Please see our updated **Comparison of House and Senate Budget Bills** for more information on this, and other, differences between the House and Senate budgets.)*

It is expected that the House and Senate will appoint an Appropriations Conference Committee after the Legislature returns from the Passover/Easter recess. The Conference Committee is charged with the responsibility of negotiating to reconcile the differences between the House and Senate budgets.

### **Federal Budget Update**

As we reported in our last issue of Boarder-Line, the U.S. Senate and House are working on the federal budget for FY 2007. Initially, both budgets mirrored President Bush's budget request that included deep cuts in education funding. In March, the Senate adopted an amendment co-sponsored by Senators Specter (R-PA) and Harkin (D-IA) that added \$7 billion to their budget resolution to restore education spending to FY 2005 levels. Last week, the House Budget Committee rejected an amendment offered by Representative DeLauro (D-CT), which was identical to the Senate's Specter-Harkin measure. Without the additional funding, two of the most critical programs for our school districts - Title I and special education - would remain underfunded, while other key programs would be facing elimination.

This week, the full House began debate on its version of the budget resolution. Representative Castle (R-DE) was prepared to again offer an amendment similar to the Specter-Harkin amendment. Unfortunately, the House Rules Committee stated that only complete, pre-approved substitute amendments of the **entire** budget proposal could be offered on the floor. Therefore, Representative Castle could not offer the amendment to add \$7 billion for education, and no other amendments were offered. However, the House Republican Leadership also decided to end debate on the budget and recess. Congress is in recess until April 24, when debate on the Budget Resolution is expected to resume.

During this two week recess, we urge you to contact your U.S. Representatives and urge them to oppose the House Budget Resolution. Please contact them at **both** their home district offices and on Capitol Hill. To contact your members of Congress on Capitol Hill please call the following toll-free hotline: 866/521-5121. To email your members go to the following link: <http://capwiz.com/nsba/issues/alert/?alertid=8648776>

### **Action on Key Bills April 3-7, 2006**

#### **HB 135 – Charter Schools by Greenstein**

provides that sponsor of charter school shall not be liable for civil damages for certain actions; provides that duty to monitor such school shall not be basis for private cause of action; prescribes limits on immunities of charter school sponsor; expands school district's immunity from assumption of contractual debts.

**ACTION:** Passed House Education Appropriations

**HJR 213 – County School Districts by Brummer** *(Similar to SB 532 by Wise)*

Proposed constitutional amendment; provides that a county school district may be divided into multiple school districts each having no fewer than 25,000 students; provides for a board to be created for the purpose of determining the rate of school district taxes; provides that taxes are to be calculated on a county-wide basis and distributed to the school districts in an equitable and nondiscriminatory manner; provides for this resolution to be subject to voter approval via a statewide referendum at the November 2006 election or an earlier special election.

**ACTION:** Passed House Education Council, placed on House Calendar

**SB 256 – Scholarship Program Accountability by King**

*(Similar to HB 7041 by Choice & Innovation)*

Provides for the fiscal and academic accountability in the John M. McKay Scholarships for Students with Disabilities Program and the Corporate Tax Credit Scholarship Program. For the McKay Program: redefines eligibility criteria; revises notification requirements; revises requirements for participating private schools to include criminal background checks of certain employees and officers; revises criteria for forfeiture of a student's scholarship; provides DOE with additional authority and responsibilities for administering the program; requires audits by Auditor General; revises fiscal soundness requirements; requires each scholarship student to participate in a student assessment; requires private schools to accept scholarship students on a religious-neutral basis. For the Corporate Tax Credit Scholarship Program: reduces the amount of credit set aside for small businesses; deletes certain limitations on contribution amounts in a given year; requires SFO to obligate, rather than spend, funds in the same fiscal year in which the contribution was received; requires a nonprofit SFO to file its audit with the Auditor General and the DOE; requires SFO to obtain verification of student attendance; provides for the transfer of funds to another eligible SFO; prohibits SFO from commingling funds and drawing upon a line of credit to fund scholarships; requires SFO to conduct income eligibility verification of students; requires criminal background checks of certain employees and officers; eliminates certain private schools from the list of eligible private schools; revises requirements for private schools to demonstrate fiscal soundness; requires a private school to employ or contract with certain qualified teachers; prohibits a home school from participating in the program; requires a private school to annually administer or make provisions for scholarship students to take a nationally norm-referenced test that compares to the FCAT; requires reporting of accreditation status; allows current scholarship students to continue participation if parental income changes in certain circumstances; prohibits a student from simultaneously receiving a scholarship from more than one state scholarship program; requires private school to accept students on a religious-neutral basis; requires DOE to revoke the eligibility of SFOs, private schools, and students who fail to meet program requirements; requires a public university to report year-to-year improvements in student performance.

**ACTION:** Passed Senate Judiciary Committee as a committee substitute

**HB 291 – School Grading System by Bean** *(Similar to SB 500 by Wise)*

Adds K-3 feeder pattern schools to list of schools receiving school grade; prescribes circumstances in which feeder pattern exists; allows students served by feeder pattern schools to participate in Opportunity Scholarship Program; allows feeder pattern schools to participate in Florida School Recognition Program.

**ACTION:** Passed House Education Council, placed on House Calendar

**HB 397 – Veterans' Day Observance/Schools by Davis** *(Similar to SB 354 by Hill)*

Requires school districts to observe Veterans' Day; prohibits holding classes on that day; provides exception; requires date of Veterans' Day observance to correspond with federal holiday.

**ACTION:** Passed House Military & Veteran Affairs Committee

**HB 403 – School Attendance by McInvale** *(Similar to SB 772 by Constantine)*

Authorizes district school board policy to raise compulsory school attendance age; requires attendance records to include information regarding student tardiness; provides that parent is responsible for student's accumulative record of tardiness; revises provisions regarding enforcement of school attendance.

**ACTION:** Passed House Juvenile Justice Committee

**HB 569 – Athletic Trainers/Licensure by Kreegel** *(Similar to SB 266 by Fasano)*

Revises requirements for licensure as athletic trainer; provides that person employed as apprentice trainer or athletic trainer is not exempt from specified provisions; deletes classification of first responder in school district's athletic injuries prevention & treatment program; requires that athletic trainer employed by school district be licensed as athletic trainer,

**ACTION:** Passed House Health Care Regulation Committee as a committee substitute

**HB 659 – FRS/DROP/Grades K-12 Personnel by Arza** *(Similar to SB 1064 by Clary)*

Increases, from 60 months to 96 months, the period of time that school administrators in grades K-12 may participate in Deferred Retirement Option Program of the Florida Retirement System.

**ACTION:** Passed House Governmental Operations Committee as a committee substitute

**HB 679 – Schools/Health-related Education by Sobel** *(Similar to SB 2602 by Constantine)*

Requires each school district to submit a copy of the wellness policy required by federal law and its physical education policy to DOE; requires DOE to post district policies and health and nutrition resources on its website; encourages school districts to provide training on first aid and CPR, and to provide 150 minutes of physical education a week for students in grades K-5 and 225 minutes each week for students in grades 6-8; requires a certified physical education instructor to review all physical education programs and curricula; requires districts to annually provide parents with information on ways to help their children be physically active and eat healthy foods.

**ACTION:** Passed House Health Care General Committee

**HB 801 – Ready to Work Certification Program by Patterson**

Creates the Florida Ready to Work Certification Program to enhance Florida students' workplace skills to better prepare them for successful entry-level employment in specific occupations; provides for AWI to identify occupations for inclusion in the program, requires identification of workplace skills for each occupation identified; provides for preinstructional student assessments; provides for targeted instructional program that may be web based; provides for award of certificate and portfolio to students upon successful completion of the program; provides that program may be conducted at public high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers and DJJ educational facilities; requires DOE to establish institutional readiness criteria; provides rulemaking authority.

**ACTION:** Passed House Education Appropriations Committee

**HB 899 – Regional Consortium Services by Richardson** *(Identical to SB 1710 by Wise)*

Requires the boards of directors of regional consortium service organizations (RCSOs) to determine which services will be purchased with the funds received from DOE; authorizes the boards of directors of RCSOs to replace individual school district bid arrangements with RCSO purchasing and bidding programs; authorizes boards of directors of RCSOs to establish educational foundations governed by educational foundation boards of directors; authorizes RCSOs to permit educational foundations to use the property, facilities and personnel services of an RCSO to raise funds for the district members; requires financial audits for certain educational foundations.

**ACTION:** Passed House Education Appropriations Committee

**HB 967 Public K-12 Educational Instruction by Glorioso** *(Similar to SB 28 by Fasano)*

Specifies additional requirements for the instruction in certain U.S. history topics; requires instruction in the importance of free enterprise; amends requirements for instruction in health education and character-development programs; specifies requirements for instructional materials; requires the standards adopted by SBE must conform to the specified provisions.

**ACTION:** Passed Choice & Innovation Committee as a committee substitute.

**SB 1152 – McKay Scholarships/Disabilities by Haridopolos** *(Identical to HB 75 by Bilirakis)*

Redefines eligibility criteria; provides that hospital or homebound students are not eligible to participate in the program; provides for the eligibility, scholarship amount, and reporting requirements for students from the Florida School for the Deaf and the Blind; provides eligibility and method of payment of students exiting a DJJ commitment program; specifies that a DJJ student may not receive a scholarship while he or she is enrolled in school during the commitment period.

**ACTION:** Passed the Senate Education Committee

**HB 1221 – District School Boards/Chair by Cannon** *(Identical to SB 2252 by Webster)*

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 and provides requirements for submitting such referendum to electors; provides for resolution of tie vote by said chair and said board members; amends provisions regarding organization of said boards.

**ACTION:** Passed House Education Council, placed on House Calendar

**HB 1291 – Weapons Possession/Schools by Poppell** *(Similar to SB 2438 by Haridopolos)*

Revises definition of "weapon"; revises and clarifies provisions regarding prohibited exhibition and possession of specified weapons and firearms at school-sponsored event or on school property; provides penalties; clarifies provisions regarding prohibited trespass on school property with firearm or other weapon; provides penalty.

**ACTION:** Passed House PreK - 12 Committee

**HB 1373 – Supplemental Educational Services by Attkisson** *(Similar to SB 2616 by Wise)*

Establishes statewide standards governing the provision of Supplemental Educational Services in Title I schools as required by NCLB; provides responsibilities of DOE, local educational agencies, providers of supplemental educational services, and parents to provide additional academic instruction designed to increase academic achievement of eligible students; provides criteria that must be met by providers approved by DOE.

**ACTION:** Passed House Education Appropriations Committee

**SJR 2170 – Opportunity Scholarship Program by Judiciary** *(Similar to HJR 1573 by Rubio)*

Provides that every child deserves an equal opportunity to obtain a high quality education regardless of family income, religion, or race; provides that classroom instruction funding for a high quality public K-12 education is fundamental; provides that at least 65 percent of school funding provided to school districts is to be spent on class instruction, rather than administration; provides that students who are in pre-kindergarten programs or 4-year-olds, students who are in college, and K-12 students who are economically disadvantaged or have reading or learning disabilities or who are trapped in failing public schools may participate in education programs that include non-public schools; provides that the Legislature may enact and publicly fund prekindergarten through college programs without regard to the religious nature of any participant or non-public provider, notwithstanding any other provision in Article IX or in Article I, Section 3 of the Florida constitution.

**ACTION:** Passed the Senate Education Committee as a committee substitute *(HJR 1573 passed House Choice & Innovation Committee as a committee substitute)*

**SB 2234 – Education/Failing Schools by Judiciary**

Creates a new program to enhance the performance of failing schools; requires Commissioner to develop and submit such program to Legislature; prescribes elements of program; clarifies that tax credit program applies to students in families having limited financial resources; provides that students currently participating in the Opportunity Scholarship Program are eligible to participate in the tax credit program and must be given priority for admission; provides that students attending a failing school are eligible for tax credit scholarships to attend a higher performing public or private school while the failing public school is improving; amends corporate tax credit scholarship program and the income tax code to conform; repeals existing Opportunity Scholarship Program.

**ACTION:** Passed Senate Judiciary Committee as a committee substitute

**SB 2254 – Local Funding for Schools by Wise** *(Comparable to HB 5003 by Fiscal Council)*

Codifies current practice by providing a single, fixed date for Department of Revenue certification of the final taxable value as September 1; clarifies that assessment roll changes can be incorporated into the FEFP calculation after a final judicial decision has been reached.

**ACTION:** Passed Senate Government Efficiency Appropriations Committee

**SB 2280 – Sexual Offender/Screening by Argenziano** *(Similar to HB 7117 by Criminal Justice)*

Amends the Jessica Lunsford Act provisions relating screening of sexual predators and offenders; requires certain school contractors to submit to Level 2 background screenings; provides a list of offenses that disqualifies a contractor from having access to school grounds when students are present; exempts from Level 2 screening those contractors who are under the direct supervision of persons who meet the screening requirements or who are separated from students by a fence and who have undergone a search of the state and national registry of sexual predators and sexual offenders; 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 school districts and schools who share certain background check information in good faith; specifies that certain background checks need to be performed every three years; caps fees for Level 2 screening at no more than 30 percent of the total state and FBI costs; requires the reporting to an employer or contractor within 48 hours if a contractor is charged with any disqualifying offense; requires districts to accept certain fingerprint-based background check results from other districts; requires the FDLE to implement a system for school districts to share the results of the background checks; 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.

**ACTION:** Passed the Senate Governmental Oversight & Productivity as a committee substitute

**HB 5005 – Education Funding/Education Appropriations Conforming Bill by Fiscal Council**

Specifies that slot machine tax revenue is first used to fund bond indebtedness; provides that the determination of services and use of state funds shall be established by the board of directors of the regional consortium service organization; provides that funds shall be distributed to each regional consortium service organization no later than 30 days following the release of the funds to DOE; revises the Class Size Reduction compliance calculation, extending by one year the compliance calculation at the district level; creates the Class Size Reduction Construction Completion Program, which provides for the allocation of capital outlay funds as appropriated in the General Appropriations Act to be used to provide educational facilities to meet class size reduction requirements; provides that a district school board must expend the funds to construct or remodel educational facilities to increase capacity; provides that the funds may be used to construct, renovate, remodel, or repair educational facilities that do not result in additional capacity in certain circumstances; provides methodology for calculation of each district's share of the appropriation; creates the Classroom Capacity Assistance Grant Program; redirects the \$105 million appropriated for classroom construction derived from the excise tax on documents from the

Classrooms for Kids Program and the High Growth District Capital Outlay Assistance Grant Program to the Classroom Capacity Assistance Grant Program; provides methodology for calculation of each districts share of the allocation; increases the statutorily established costs per student station for an elementary school to \$17,952, for a middle school to \$19,386, and for a high school to \$25,181; amends the award amount for Florida Medallion Scholars attending a community college to equal the amount required to pay 100 percent of tuition and fees for the college credit courses leading to an associate degree; amends the Group 2 enrollment ceiling by funding all program FTE in excess of the group 2 cap at a weight of 1.000; provides that the total reported membership for the Florida Virtual School shall be multiplied by 0.114 and such value added to the total full-time equivalent student membership; requires the Department of Revenue to certify to the Commissioner of Education the total of the prior year final taxable value for school purposes in each school district as well as the total for all school districts in the state, on September 1st of each year; clarifies that an underallocation or overallocation due to an assessment roll change may be corrected only when the assessment roll change is required by final judicial decision; establishes priorities for charter school capital outlay funding; provides that a charter school's capital outlay allocation shall not exceed one-fifteenth of the statutorily established cost per student station; specifies that in order to be eligible for charter school capital outlay allocation, the charter school must have documented student learning gains for at least 75 percent of the student population as measured by the school's preassessments and postassessments in kindergarten through grade 3 or the school's annual FCAT assessments in grades 4 through 10 and have documented improvement of the lowest 25th percentile of students in the school in reading and mathematics unless these students are performing above satisfactory performance.

**ACTION:** Passed House Floor

**HB 7039 – K-8 Virtual School Program by Choice & Innovation** *(Similar to SB 1282 by Carlton)*  
Establishes the K-8 Virtual School Program as an optional educational choice program within DOE; provides student and school eligibility requirements, application procedures, participating school responsibilities, funding mechanisms, assessment and accountability, and causes for nonrenewal or termination of contract; provides rulemaking authority to SBE to implement and administer the program.

**ACTION:** Passed House Education Appropriations Committee *(SB 1282 passed Senate Education Appropriations Committee)*

**HB 7119 – Student Athlete Recruiting by PreK-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 school choice and protect the integrity of Florida's interscholastic athletic programs; requires OPPAGA to conduct an independent review of documented recruiting violations by FHSAA member schools.

**ACTION:** Passed House Education Appropriations Committee as a committee substitute

**HB 7171 – Charter Schools by Choice & Innovation** *(Similar to SB 1030 by Wise)*

Establishes the Florida Schools of Excellence Commission as an independent, state-level charter school authorizing entity; specifies that the commission is authorized to approve charter schools to serve K-12 public school students in any district of the state without the approval of the district school board; provides that the commission has the power to authorize municipalities, state universities, community colleges, or regional educational consortia to approve charter schools; provides the commission with authority to act as a sponsor of charter schools, approve or deny charter school applications, renew or terminate charters, monitor and annually review charter

school performance, monitor the financial management of charter schools, recommend statutory changes regarding standards for cosponsors, uniformly administer charter schools, and perform all the duties of sponsors; provides that charter schools currently sponsored by school districts shall remain as such unless they choose to apply to the commission or one of its cosponsors if the charter expires prior to establishing the new charter; provides district school board and university sponsors of charter schools immunity from civil liability in certain circumstances; provides that a sponsoring school district is prohibited from assuming debt for all contracts between a school and a third party.

**ACTION:** Passed House Education Appropriations Committee as a committee substitute (*SB 1030 passed Senate Education Appropriations Committee as a committee substitute.*)

**Other Bills of Interest**

In this issue of Boarder-Line, we have provided information on selected bills that have seen legislative action this week. However, FSBA is also tracking hundreds of other education related bills that have been filed for consideration during this session. Please contact the FSBA office for more information on the bills included here, or any other bills of interest. In addition, the Senate and House web sites may be accessed at [www.leg.state.fl.us](http://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
April 8 - 11, 2006	66 <sup>th</sup> Annual NSBA Conference, Chicago
May 5, 2006	2006 Legislative Session Adjourns

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**FLORIDA SCHOOL BOARDS ASSOCIATION**

Sheila Costigan, Chairman  
Candace Lankford, Vice Chairman  
FSBA Legislative Committee

Dr. Wayne Blanton, Executive Director  
[blanton@fsba.org](mailto:blanton@fsba.org)

Ruth Melton, Director of Legislative Relations  
[melton@fsba.org](mailto:melton@fsba.org)

203 South Monroe Street  
Tallahassee, FL 32301  
Phone 850/414-2578 Fax 850/414-2585  
[www.fsba.org](http://www.fsba.org)