

# FSBA

# BOARDER-LINE

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## ***Budget Update***

The House and Senate Education PreK-12 Appropriations Committees have submitted their respective budget proposals and conforming bills. We have prepared a side-by-side comparison of these bills and posted them on the FSBA website with this issue of Boarder-Line. With respect to the budgets, the Senate provides slightly more FEFP funding per FTE, but this is due to the fact that the Senate presumes that all districts will levy the .25 critical needs millage for operations when there are only 43 districts that currently levy it for this purpose. In addition, the Senate budget is unclear about disclosing the sources for the state general revenue allocated in its budget, and may include funding that is not currently approved – such as gambling revenue.

## ***Update on Key Education Related Bills***

### **SB 4 – Education Accountability by Detert** *(Similar to [HB 7053](#) by PreK-12 Policy)*

Amends a provision relating to secondary school redesign, to delete obsolete provisions and to conform to changes made by the act. Revises requirements for middle grades promotion. Provides that successful completion of a high school level Algebra I, Geometry, or Biology I course is not contingent upon a student's performance on the end-of-course assessment. Revises requirements for high school graduation. Creates the Credit Acceleration Program, etc.

*[Both SB 4 and HB 7053 were amended in committee last week. Please see our updated detailed summary at [www.fsba.org/userfiles/File/Updated%20HB%207053.Accountability.pdf](http://www.fsba.org/userfiles/File/Updated%20HB%207053.Accountability.pdf)*

**Status:** Placed on Senate Special Order Calendar (*HB 7053 passed the Full Appropriations Council with a CS*)

### **SB 6 – Education Personnel by Thrasher**

Authorizes release of child abuse records to certain employees and agents of the Department of Education. Requires school districts to develop and implement end-of-course assessments. Creates the Performance Fund for instructional Personnel and School-Based Administrators. Provides for calculation of the fund amount. Repeals provisions relating to the Dale Hickham Excellent Teaching Program, etc.

*[The bill was amended in committee last week. Please see our updated detailed summary at [www.fsba.org/userfiles/File/Update.SB%206Education%20Personne.3.23.10.pdf](http://www.fsba.org/userfiles/File/Update.SB%206Education%20Personne.3.23.10.pdf)*

**Status:** Passed Policy & Steering Committee on Ways & Means with a CS

### **SB 2126 – Tax Credit Scholarship Program by Negron** *(Identical to [HB 1009](#) by Weatherford)*

Makes operation of the program contingent upon available funds. Revises certain eligibility criteria. Revises tax credit grant provisions. Specifies a tax credit cap. Provides for increasing the tax credit cap under certain circumstances. Provides for unused amounts of tax credits to be carried forward. Revises provisions governing the rescission of taxpayer tax credits. Revises certain obligations of the DOE, etc.

*[Please see our detailed summary at <http://www.fsba.org/userfiles/File/SB%202126.3.14.10.pdf>*

**Status:** Placed on Senate Special Order Calendar

### **Recent Bill Action on Other Bills of Interest**

#### **HB 55 – School Board Policies / Academic Signing by Reed** (Identical to [SB 206](#) by Hill)

The bill encourages district school boards to adopt policies for designating the third Tuesday in April each year as “Academic Scholarship Signing Day” in order to recognize high school seniors who have been awarded postsecondary academic scholarships. School boards may authorize assemblies or other events for this purpose and students may sign actual or ceremonial documents signifying acceptance of the scholarship.

**Status:** Passed Policy Council (*SB 206 passed Education PreK-12 with a CS*)

#### **HB 105 – Civics Education by McBurney** (Similar to [SB 1096](#) by Detert)

The bill creates the “Justice Sandra Day O’Connor Civics Education Act” and amends requirements relating to civics education. The bill provides that, for all grade levels beginning with the 2011-2012 school year, the reading portion of the language arts curriculum must include civics education content. Students entering grade 6 beginning with the 2012-2013 school year must successfully complete a one-semester civics education course in order to be promoted. This one-semester civics education course is to be designated as one of the three middle school social studies courses currently required for promotion. The civics education course must address the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, Declaration of Independence, and Constitution of the United States. During the 2012-2013 school year, a statewide, standardized end-of-course assessment in civics education must be administered as a field test at the middle school level. During the 2013-2014 school year, each student’s performance on the end-of-course assessment in civics education must constitute 30 percent of the student’s final course grade. Beginning with the 2014-2015 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit. The bill also provides that, beginning in the 2013-2014 school year, the end-of-course assessment in civics education at the middle school level will be a factor in designating a school’s grade.

**Status:** Passed the House

#### **HB 119 – Sexual Offender & Predators by Glorioso** (Similar to [SB 1284](#) by Aronberg)

The bill creates restrictions for a person convicted of an offense listed in the sexual offender statute where the victim was under the age of 18. The bill makes it a first degree misdemeanor if a person convicted of such an offense commits loitering or prowling within 300 feet of a place where children were congregating, to knowingly approach, contact or communicate with a child under 18 in any public park building or playground with intent to engage in conduct of a sexual nature, or to make a communication of any type containing any content of a sexual nature. The bill also makes it a first degree misdemeanor for a person convicted of such an offense to knowingly be present in any child care facility or pre-K-12 school when the child care facility or school is in operation unless the offender has provided written notification of his or her intent to be present to the school board, superintendent, principal or child care facility owner, fail to notify the child care facility owner or the school principal’s office when he or she arrives and departs the child care facility or school, or fail to remain under the direct supervision of a school official or designated chaperone when present in the vicinity of children. The bill adds and/or amends the definition of “transient residence,” “park,” “playground,” “child care facility,” and “school.” The bill specifies that an offender may not be forced to move if he or she is living in a residence that complies with the statutory sex offender residency restrictions and a child care facility, park, playground, or school is subsequently established within 1,000 feet of the offender’s residence. The bill prohibits offenders on supervision for specified sexual offenses from visiting schools, child care facilities, parks and playgrounds without prior approval of the offender’s supervising officer. The bill also prohibits such offenders from distributing candy or other items to children on Halloween, wearing a Santa Claus, Easter Bunny, or clown costume, or entertaining at children’s parties without prior approval.

**Status:** Passed Military & Local Affairs Policy with a CS

**SB 166 – Pancreatic Enzyme Supplements by Wise** (Identical to [HB 45](#) by Renuart)

The bill authorizes a student to carry and self-administer prescribed pancreatic enzyme supplements while in school, at a school-sponsored activity, or while in transit to or from school or a school-sponsored activity, if the student's parent and a prescribing practitioner have provided the school with authorization for the student's use of the supplement. The State Board of Education, in cooperation with the Department of Health, is required to adopt rules for the use of the supplements. The bill requires the parents of a student who uses prescribed pancreatic enzyme supplements to indemnify the school district, county health department, public-private partners, and their employees or volunteers for any liability arising from the student's use of the supplements.

**Status:** Passed the Senate (*HB 45 placed on House Calendar on 2<sup>nd</sup> Reading*)

**SB 434 – Suicide Prevention Education by Sobel** (Identical to [HB 1061](#) by Heller)

The bill provides that, beginning with the 2010-2011 school year, school boards must provide access to suicide prevention educational resources, as approved by the Statewide Office of Suicide Prevention, to all instructional and administrative personnel as part of the school district professional development system.

**Status:** Passed Education PreK-12 with a CS

**HB 467 – K-12 Education / Dating Violence by Jones** (Similar to [SB 642](#) by Smith)

The bill requires that a teen dating violence and abuse component be added to the comprehensive health education curriculum for students in grades 7 through 12. The new component must include the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse. Current middle and high school course curriculums would need to be expanded to include all elements of the teen dating violence and abuse component. The bill requires that each district school board adopt and implement a dating violence and abuse policy which is to be integrated into each school district's discipline policies. Each district's policy must prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation, must provide procedures for responding to such incidents of dating violence or abuse, and must define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, with emphasis on prevention education. Each school district must provide training for teachers, staff, and school administrators to implement the new dating violence and abuse policies. By January 1, 2011, DOE must develop a model policy to assist district school boards in the development of their own policies.

**Status:** Passed PreK-12 Policy Committee with a CS

**SB 512 – Local Government / Health Insurance by Justice** (Identical to [HB 929](#) by Hooper)

The bill removes the population limitation on counties, municipalities, and district school boards eligible to apply to participate in the state group health insurance plan and the prescription drug coverage program so that all counties, municipalities, and district school boards may apply. Special taxing districts are also authorized to apply for participation in the state group health insurance plan and the prescription drug coverage program.

**Status:** Passed Governmental Oversight & Accountability

**HB 521 – Interstate Compact / Military Children by Proctor** (Identical to [SB 1060](#) by Storms)

The bill amends legislation enacted in 2008 relating to Florida's participation in the Interstate Compact on Educational Opportunity for Military Children. The Compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families. Currently, 26 states are members of the Compact. The Compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission), comprised of one voting representative from each member state, to provide national-level oversight of the Compact. The Commission may adopt and enforce Compact rules

which govern member states in the areas addressed by the Compact and provide that Compact rules supersede conflicting member state laws to the extent necessary to accomplish the purposes of the Compact. The current Compact authorizes the Commission to close meetings under specified circumstances, seal closed meeting records, and adopt bylaws governing disclosure of Commission records. These provisions conflict with provisions in the Florida Constitution which require that public access be granted to governmental records and meetings. This bill removes the Compact provisions authorizing the Commission to close meetings, seal closed meeting records, and adopt bylaws exempting records from disclosure. This bill also addresses an automatic repeal provision in the 2008 legislation. Florida's Compact legislation was enacted prior to the promulgation of Compact rules by the Commission, but included a repeal provision which requires automatic repeal of the compact two years after its effective date, which is July 9, 2010. This bill reenacts Florida's Compact legislation and adds a new automatic repeal of the Compact legislation three years after the bill takes effect.

**Status:** Placed on Senate Calendar on 2<sup>nd</sup> Reading

**HB 603 – Notification of School Personnel by Soto** (Comparable to [SB 1058](#) by Aronberg)

The bill adds the school district director of transportation as a person who must be notified by the district school superintendent when a child is formally charged with a felony or delinquent act that would be a felony if committed by an adult. The bill adds the child's assigned bus driver and other school personnel who directly supervise the child as persons who must be notified by a school principal. The bill requires that the school principal be notified of the disposition of the charges against the child and the principal must then notify the other school personnel whose duties include direct supervision of the child. The bill reinstates statutory authorization for educational agencies, public K-12 schools, centers, or institutions, the Florida School for the Deaf and the Blind, and the Florida Virtual School to disclose education records, without prior consent, to parties to an interagency agreement. The parties to the interagency agreement are the DJJ, the school, law enforcement authorities, and other signatory agencies. Information contained in education records may only be disclosed for the purpose of determining appropriate programs and services for the student and to coordinate the delivery of such programs and services among agencies. The bill provides that such information is inadmissible in court proceedings before a dispositional hearing unless written consent is provided by a parent or other responsible adult.

**Status:** Passed PreK-12 Policy with a CS

**SB 820 – Fine Arts Courses / School Grades by Wise** (Comparable to [HB 461](#) by Kelly)

The bill adds to the criteria that serve as 50% of the basis in the designation of school grades by adding that the criteria used must include, as valid data becomes available, the performance of the school's students on standardized end-of-course assessments in visual arts, music, dance, and theater courses must be included in criteria. The bill provides that assessments for this purpose must be developed by DOE, in coordination with Florida professional arts education associations, subject to available funding. Field testing of the assessments must be completed and the results of such testing must be reported no later than 2 years after funds become available.

**Status:** Passed Education PreK-12 with a CS

**HB 1107 – Sovereign Immunity by Nehr** (Comparable to [SB 2060](#) by Bennett)

The bill provides that, effective October 1, 2010, the limited waiver of sovereign immunity applicable to subdivisions of the state is raised – from \$100,000 per individual claim and \$200,000 per aggregate claims, to \$200,000 per person, and \$400,000 aggregate limit per incident – on the collectability of any tort judgment based on the subdivision's liability. The bill also makes significant changes to the limited waiver of sovereign immunity with respect to subdivisions of the state by removing the authority of subdivisions to settle, or claimants to seek, compensation above the liability limits. Essentially the bill amends current law to establish an absolute bar to pursuing claims against subdivisions which exceed the liability limits. Claims by one person or by multiple claimants which are brought against more than one subdivision, or a combination of claims against

the state and a subdivision, are also increased to \$200,000 per person, \$400,000 aggregate per incident limit until October 1, 2011, at which time these limits increase to \$250,000 per person, and \$1,000,000 aggregate limit per incident. The bill also increases the limits of liability against the state and its agencies from \$100,000 per individual claim and \$200,000 per aggregate claims to \$200,000 per person, and \$400,000 per aggregate limit per incident. For subdivisions of the state from this date forward liability limits are raised from their 2010 levels to \$250,000 per person, and \$1,000,000 per aggregate limit per incident.

**Status:** Passed Civil Justice & Courts Policy with a CS (*SB 2060 passed Judiciary with a CS*)

**HB 1157 – Local Government/Prompt Payment by Eisnaugle** (*Identical to SB 1056 by Baker*)

The bill revises provisions relating to the timely payment for purchases of construction services and prohibits the assessment of damages against contractors if the list of items remaining to be completed is not provided to the contractor in a timely manner. The bill requires that disputes be resolved according to procedures in invitations to bid or requests for proposals, and revises provisions relating to the resolution of disputes concerning an improper payment request or invoice. This bill provides that, in cases of payment disputes, a local governmental entity must notify the vendor, in writing, within 10 days after the improper payment request is received. In addition, the bill provides that a local governmental entity waives its objection if it fails to begin a dispute resolution procedure within 45 days. The bill removes language related to court proceedings, which broadens the ability of the prevailing party to be awarded court costs and attorney's fees.

**Status:** Passed Military & Local Affairs Policy (*SB 1056 passed Regulated Industries*)

**HB 1203 – Early Learning by Nelson** (*Similar to SB 2014 by Wise*)

The bill revises the duties of Early Learning Coalitions (ELCs) and the Agency for Workforce Innovation (AWI) to provide more uniform and streamlined administration of the School Readiness Program. The bill requires AWI to adopt specific support service strategies for implementing program requirements and ELCs must amend their school readiness plans to conform to these adopted strategies. The bill expands AWI's rulemaking authority to administer the program and directs the Governor to designate AWI as the lead agency for administering the federal Child Care and Development Fund (CCDF) – the primary funding source for the School Readiness Program. The bill requires AWI, DOE, and ELCs to coordinate with the Department of Children and Families (DCF) to avoid duplication of interagency activities. AWI must adopt, and ELCs must use, a standard contract for contracting with school readiness providers. The bill requires AWI to administer the statewide electronic data system and administration of the statewide toll-free Warm-line and the child care reimbursement rate schedule is transferred from DCF to AWI. The bill eliminates provisions requiring AWI to submit recommendations to the Legislature for providing transportation to children served by school readiness programs. The bill requires AWI to establish an allocation formula for state and federal school readiness funds. The allocation formula is subject to legislative review and AWI must comply with any legislative changes to the formula. The bill revises the membership of ELC boards, subjects ELCs to AWI-adopted procurement procedures (rather than those for state agencies), and eliminates provisions requiring certain ELCs to hire a fiscal agent. The bill requires AWI to review ELC school readiness plans every two years, rather than annually. AWI must adopt rules establishing criteria for approving school readiness plans. The bill also requires ELCs to implement school readiness programs in accordance with AWI rules, prohibits ELCs from imposing unauthorized requirements on providers that do not participate in school readiness programs, establishes clearly defined priorities for child eligibility, and eliminates ELC discretion to establish priorities based on local factors. In addition, the bill requires private VPK and school readiness program providers to comply with the same standards for child discipline as licensed child care providers, authorizes the State Board of Education to grant a "good cause" exemption to VPK providers determined ineligible to deliver the program, deletes several references to repealed programs; and expands DCF's authority to impose licensing and registration fees on child care providers.

**Status:** Passed PreK-12 Policy with a CS (*SB 2014 passed Commerce with a CS*)

**HB 1505 – McKay Scholarships by Flores** (Comparable to SB 2746 by Gardiner)

The bill changes student eligibility requirements under the McKay Scholarship Program to provide that a student is eligible for the program if the student was enrolled and reported by a school district for funding during any previous October and February FEFP surveys during the same school year in kindergarten through grade 12 or was enrolled and reported by the Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12. The bill also opens eligibility to kindergarten students who would not previously have met the prior year in attendance requirement. The bill requires a child with a developmental delay and who has received early intervention services under the Voluntary Prekindergarten Education Program to be reevaluated before entering kindergarten. An Individual Education Plan must be developed if he or she is eligible for the Exceptional Student Education Program. The bill deletes the stipulation for eligibility that requires a student to be at least 4 years old when enrolled and reported by a school district for funding in the October and February FEFP surveys to conform with these added eligibility. The bill also provides an exception to the requirement that a McKay Scholarship recipient have regular and direct contact with his or her private school teachers at the school's physical location by authorizing the use of an alternative site for instruction and services if the student's parent provides a notarized statement from the licensed physician or psychologist treating the student's disability certifying that the student's welfare or the welfare of other students in the classroom will be jeopardized if the student is required to regularly attend class at the physical location of the school. The notarized statement must be provided annually to DOE at least 60 days prior to the date of the first scholarship payment for each school year and based on an annual review of the student's disability by the student's physician or psychologist. The bill authorizes the Commissioner to deny, suspend, or revoke a private school's participation in the scholarship program if the Commissioner determines that an owner or operator of the private school is operating, or has operated, an educational institution in this state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

**Status:** Passed PreK-12 Policy with a CS

**HB 1569 – Charter Schools by Stargel**

The bill creates the designation of "high performing charter school" status for a charter school that meets specified academic and financial benchmarks for three consecutive years. Such schools are entitled to an automatic 15-year charter renewal, an increase in enrollment beyond the maximum enrollment specified in its charter, an automatic qualification for startup grants, receipt of capital outlay funds in the first year it receives a high-performing designation, and an extension of the deadline to submit an initial application to replicate a successful charter school.

The bill requires a charter school's governing board to submit quarterly, rather than monthly, financial statements to its sponsor. The bill also authorizes a charter school-in-the-workplace to receive charter school capital outlay funding and prohibits school districts from imposing facilities restrictions on charter schools that are more stringent than those imposed by local governments. In addition, the bill exempts charter schools from concurrency exactions imposed by local ordinance. The bill deletes provisions requiring certain charter schools to report student assessment data and relaxes restrictions on the employment of relatives by charter schools. The bill also adds furniture, equipment, and computer hardware, software, and network systems as allowable expenditures of charter school fixed capital outlay funding.

**Status:** Passed PreK-12 Policy with a CS

**HB 1619 – School Food Services by Bush** (Similar to SB 140 by Siplin)

The bill creates the Florida Farm Fresh Schools Program within DOE. DOE is directed to work with the Department of Agriculture and Consumer Services (DOACS) to develop policies pertaining to school food services which encourage school districts to buy fresh and high-quality foods grown in the state and, when feasible, encourage Florida farmers to sell their products directly to school districts and schools and encourage school districts and schools to demonstrate a preference for

competitively priced organic food products. The bill requires school districts and schools to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content. DOE is directed to work collaboratively with DOACS to provide outreach, guidance, and training to school districts, school food service directors, parent and teacher organizations, and students about the benefits of fresh food products from Florida farms. The Florida Farm Fresh Schools Program must comply with the regulations of the National School Lunch Program.

**Status:** Passed PreK-12 Policy with a CS

**HB 7037 – Education by Education Policy Council**

The bill amends law governing a variety of education-related topics to conform statutes that address vocational rehabilitation programs to changes in controlling federal law and repealing provisions of law related to those programs that are duplicative or obsolete. The bill repeals statutory references to the SMART Schools Clearinghouse because it is no longer funded and its duties have been assumed by the Office of Educational Facilities within the Department of Education. The bill directs Statutory Revision to produce a reviser’s bill for the 2011 Regular Session that will ensure the uniform use of terminology related to the Florida College System throughout the Florida K-20 Education Code. The bill also repeals other sections of law that have been held unconstitutional, establish programs that have been superseded by more recent legislation, are duplicative of federal law requirements, or have not been funded or implemented.

**Status:** Passed the House

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