

FSBA

BOARDER-LINE

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Budget Update

The House and Senate have passed their respective budget proposals and both chambers have named the members of the Conference Committees that are tasked with negotiating a resolution to the differences between the House and Senate versions of these bills. We expect that these Conference Committee meetings will begin early next week. We have update our side-by-side comparisons of the budget and conforming bills and they have been posted on the FSBA website at www.fsba.org along with this issue of Boarder-Line (*direct link to all of these documents: <http://www.fsba.org/boarderline.asp>*).

As general context when reviewing these education budget proposals, it is important to remember that more than \$1.2 billion has been cut from the FEFP since May 2007. Millions more have also been cut from workforce education, from Pre-K programs, from non-FEFP programs and services, and from other essential programs and services. At the same time, economists predict that state general revenue – as well as local ad valorem revenue – will continue to decline over the next year. Meanwhile, legislators have come to no agreement on strategies to create, capture, or restore state general revenue in response to these losses to public education funding. Other concerns with respect to the PreK-12 education budget include:

- FEFP funding is typically a combination of state and local funds. This year, both the House and Senate budgets propose a contribution of state funds that is about \$800 million LESS than the contribution of local funds. This marks the second year in a row when the contribution of state funds would be less than the contribution of local funds for education. In addition, the contribution of state funds this year is about \$400 million LESS than the state contribution last year.
- Both the House and Senate budgets rely on \$865,538,623 in Federal State Fiscal Stabilization (FSFS) funds to bolster the FEFP. Federal stabilization funds are also used to support several other programs and services including Prekindergarten Programs, Workforce Education, and many of the non-FEFP programs. Although we are optimistic that these funds will be available, Florida's eligibility has not yet been confirmed. Further, if and when a waiver is granted, the federal government may place additional conditions on the amount, use, and schedule for the release of these funds.
- Both the House and Senate budgets call for an increase in discretionary operating millage from 0.498 mills to 0.748 mills, which adds about \$277 million to the FEFP. This 0.25 mill increase in discretionary millage authority is offset by a corresponding decrease in the district capital outlay millage authority. Although school districts are granted the authority to levy up to 0.25 mills for capital outlay in lieu of levying 0.25 mills in discretionary mills for operating purposes (thus making the millage authority shift "voluntary"), the fact remains that funding is critically needed in both arenas. School districts would be forced to sacrifice essential capital outlay needs – forgo needed repairs and jeopardize bond ratings, for example – or sacrifice equally essential operating needs – force layoffs and curtail course offerings, for example.

- The potential loss of funds from the loss of capital outlay millage authority is particularly troubling because both budget proposals also call for a dramatic reduction in PECO funding for Maintenance, Repairs, Renovation and Remodeling and for the Survey of Recommended Needs. It is also important to note that, while traditional public schools see these substantial reductions, charter schools are provided an increase in capital outlay funding.
- Both budgets move the funding for the Student Transportation, Instructional Materials, and Teachers Lead categoricals from separate appropriation line items into the FEFP appropriation line item. Funding for all three of these categoricals is below the current year levels.
- The House budget proposal provides that, from the funds expended by a school district for personnel, school districts must reduce non-school assigned, non-classroom personnel by 20% or have reduced the salaries of all non-school assigned, non-classroom personnel by 20% prior to the nonrenewal or dismissal of instructional personnel. In addition, the House budget would require that, prior to the elimination of art, music, sports, or other extracurricular programs, the district must eliminate expenditures for all employee travel, cell phones, and blackberries.
- The Senate budget proposal does not include specific funding for Excellent Teaching or for the Merit Award Program. Instead, the Senate budget creates the Discretionary Bonus Program Allocation and provides that funds may be used for the Merit Award Program, the Excellent Teaching Program, a performance award program designed by the district, or for any other purpose the district school board deems appropriate.

In reviewing our comparison of the House and Senate conforming bills, you will note that both bills provide several beneficial measures – such as continuing flexibility in the use of certain funds, providing flexibility in determining the minimum school term, and maintaining the calculation of class size compliance at the school level. However, both bills also contain several provisions that raise profound concerns, including:

- Both Conforming bills provide that, for the 2009-2010 fiscal year, the salary of each district school board member shall be the amount calculated in accordance with the statutory formula for setting school board member salaries or shall be the salary of members of the Legislature, whichever is less. This provision is extremely inequitable. Not only does it ignore the fact that legislators salaries are augmented by various allowances that would not accrue to a school board member, but it also would disproportionately impact board members. The result would be that the salaries of about half of all school board would not change while the salaries of the other half would be reduced. Some school board members would see a salary reduction of more than 25%.
- Both conforming bills call for a 5% reduction in the salary of elected superintendent salaries and provide a cap of \$225,000 in state funds for appointed superintendent salaries. Again, this would disproportionately impact the salaries of superintendents.
- The House bill provides a welcome change that authorizes, rather than requires, school districts to provide a virtual instruction program operated by the school district. The Senate bill does not include this change. However, the House bill also limits district virtual instruction courses for students in grades 9-12 to DJJ programs while the Senate bill removes the limitation on course offerings for these students.
- The Senate bill provides that, during FY 2009-2010, unless specifically approved by the school board, public funds may not be expended for out-of-state travel or cellular phones, cellular phone service, PDAs, or any other mobile wireless communication device or service. The House bill does not contain this provision.

- The Senate bill reduces the increase in the calculation of FTE funding for IB, AP, AICE, and career and professional academy programs, and eliminates the additional FTE funding calculation for the Florida Virtual School. The House bill does not contain this provision, but it does eliminate the calculation of FTE funding for a student who participates in on-the-job training outside of classroom instruction.

These are only a few of the provisions contained in the proposed budgets and conforming bills. We urge you to review these comparisons carefully as there may be provisions that are of concern in your district that have not been listed here. We also urge you to contact the members of the Education PreK-12 Conference Committee to express your concerns. The members and email address for the Conference Committee members are:

Senator Stephen Wise (Senate Chair) wise.stephen.web@flsenate.gov
 Senator Larcenia Bullard bullard.larcenia.web@flsenate.gov
 Senator Nancy Detert detert.nancy.web@flsenate.gov
 Senator Rudy Garcia garcia.rudy.web@flsenate.gov
 Senator Garrett Richter richter.garrett.web@flsenate.gov
 Senator Gary Siplin siplin.gary.web@flsenate.gov
 Representative Anitere Flores (House Chair) anitere.flores@myfloridahouse.gov
 Representative John Legg (House Vice Chair) john.legg@myfloridahouse.gov
 Representative Janet Adkins janet.adkins@myfloridahouse.gov
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 Representative Kelli Stargel kelli.stargel@myfloridahouse.gov
 Representative Mike Weinstein mike.weinstein@myfloridahouse.gov

Bill Action This Week

HB 135 – Public Records/Insured Dependents by McKeel (Similar to **SB 270** by Dockery)

The bill creates an exemption from public records requirements to preclude the disclosure of personal identifying information of dependent children of current or former agency officers or employees when such dependent children are insured under an agency group insurance plan. For the purposes of the exemption, “dependent child” means any unemancipated person under the age of 18, any person under the age of 21 and still in school, or any person who is mentally or physically incapacitated when such incapacity began prior to such person reaching the age of 18. The exemption is subject to legislative review and repeal under the provisions of the Open Government Sunset Review Act.

Status: Passed the House Economic Development & Community Affairs Policy Council
SB 270 is in committee

HB 227 – Impact Fees/Challenges by Aubuchon (Compare to **SB 580** by Haridopolos)

The bill provides that, in any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent. The court may not use a deferential standard. In addition, the bill provides that, notwithstanding any law, ordinance, or resolution, a county, municipality, or special district may not increase an impact fee. However, this limitation does not affect impact fees pledged to the retirement of debt. This limitation is repealed July 1, 2011.

Status: Passed the House
(SB 580 passed the Senate Finance & Tax Committee)

SB 278 – Charter Schools by Gaetz (Similar to **HB 1005** by Nelson)

The bill establishes indicators of risk for financial difficulty for charter schools and provides a corrective action plan to assist these schools. The bill requires charter schools to provide the sponsor with monthly financial statements to help the sponsor identify charter schools in financial difficulty and authorizes a sponsor to terminate a charter when a charter school exhibits one or more financial emergency conditions for two consecutive years. The bill specifies that the Commissioner is responsible for determining a state of financial emergency in a charter school. In addition, the bill prohibits nepotism in charter schools for employment and promotion policies and establishes standards of conduct for charter school governing board members, including requirements related to the solicitation and acceptance of gifts, business transactions, and conflicting employment or contractual relationships. The bill also provides parents and the public with student performance information when a school does not receive a school grade or a school improvement rating.

Status: Passed Education PreK-12 Appropriations
HB 1005 is in committee

HB 453 – Tax Credits/Scholarships by Weatherford (Similar to **SB 1310** by Gardiner)

The bill renames the program the Florida Tax Credit Scholarship Program (FTCS) to reflect the expansion of the program to include insurance premium tax credits as eligible contributions. The bill allows insurance companies to receive a credit of 100% of an eligible contribution to an eligible scholarship-funding organization (SFO) against tax due for a taxable year under the provisions of the insurance premium tax. However, the credit may not exceed 75% of the tax due after the deduction of allowable credits for other taxes and assessments paid by the insurer. The bill clarifies that the \$118 million cap is the total amount of corporate income tax credits and insurance premium tax credits that may be granted each state fiscal year. The bill defines “direct certification list” to mean a certified list of children who qualify for the Food Stamp Program, the Temporary Assistance for Needy Families Program, or the Food Distribution Program on Indian Reservations and provides that children on the direct certification list are eligible to receive an FTCS scholarship. DOE must provide a process to match the direct certification list with the scholarship application data provided by the eligible SFO. The bill authorizes certain SFOs to request school districts to inform all households participating in the National School Lunch Program that they are eligible to apply for a tax credit scholarship. An SFO making the request will determine the notice’s form and the school district must include the form in any normal correspondence with eligible households. Once a year an SFO may request a special communication to be issued to such households, but the SFO must reimburse the school district for the cost of postage.

Status: Placed on House Calendar on 2nd Reading
(SB 1310 passed Senate Education PreK-12 Appropriations)

SB 630 – Impact Fees / Moratorium by Bennett (Compare to **HB 1129** by Grimsley)

The bill was substantially amended by a “strike all” amendment. The bill now provides that a county or municipality may not levy impact fees in excess of \$2 per square foot for residential property and \$8 per square foot for nonresidential property. Impact fees may be increased annually by an amount that does not exceed the percentage change in the Consumer Price Index after 2010. The bill also creates a new revenue source to help replace the revenue lost through this limitation on impact fees by authorizing the county governing body, pursuant to an adopted ordinance, to levy a surtax on deeds and other instruments relating to real property or interests in real property. The surtax rate may not exceed \$1 on each \$100 of the consideration for the real estate or interest therein and would be paid by the grantor of the real estate. The bill provides that the surtax may not be levied on a document that conveys a specific interest in real property in this state for the first transaction following the adoption of the ordinance. From the proceeds of the surtax, 1% must be distributed to the Department of Revenue and 1% to the clerks of court for collecting and administering the surtax. Of the remaining funds, 25% must be distributed to the county or the municipality in which the property is located. Of the remaining 75%, one-third must be distributed

to municipalities within the county that imposes the surtax based on population and two-thirds must be distributed to the county, which must distribute at least 25 percent of those funds to the school districts within the county. [NOTE: It is unclear whether this new funding source would be sufficient to replace revenues lost by the limitation on impact fees]

Status: Passed the Senate Community Affairs Committee with a CS
HB 1129 has not been heard in any committee

HB 659 – Sexual Misconduct with Students by Stargel (Compare to **SB 1892** by Crist)

The bill requires the reclassification of the felony degree of an offense listed in the sexual predator or sexual offender statutes if the offense is committed by an authority figure of any educational institution against a student of any educational institution. As a result, a felony of the third degree would be reclassified to a felony of the second degree, a felony of the second degree would be reclassified to a felony of the first degree, and a felony of the first degree would be reclassified to a life felony. The bill defines “authority figure” to mean a school officer, teacher or other instructional person, an administrator or other school administrative person, school volunteer, an educational support employee, or an education service provider, who is employed by, under contract with, working at, or providing volunteer services to an educational institution. The bill defines “educational institution” to mean an entity providing instructional programs of study by means of regular classes, activities, or courses, including virtual courses, to students in early learning programs or in PreK through grade 12. The bill defines “student” to mean any early learning or PreK through grade 12 child who is enrolled in an educational institution.

Status: Placed on House Calendar on 2nd Reading
SB 1892 passed Senate Criminal Justice Committee with a CS

HB 783 – Education/Children in Shelter or Foster Care by Kelly (Compare to **SB 1128** by Rich)

The bill provides authority for the district school board or dependency court to appoint a surrogate parent for purposes of educational decision-making for a child known to the Department of Children and Family Services (DCF) who has or is suspected of having a disability. Before appointing a surrogate, it must be determined that no parent can be located and no person holds the right to make educational decisions for the child. Qualifications of a surrogate parent are specified, including who may, and may not, serve as a surrogate parent. In addition, the bill adds a designated liaison between a local school district and the DCF or the court to the list of entities that may be granted access to records in child abuse and neglect cases. The bill provides that judicial and citizen panel reviews of dependency cases must include consideration of testimony from a surrogate parent. If a guardian ad litem (GAL) has been appointed for a child, the district school superintendent must first consider the GAL when appointing a surrogate parent. The bill provides for the continuity of an appointed surrogate parent if and when the child moves among and between public and private agencies, specifies circumstances that would eliminate the need for a surrogate parent, and provides the duties and responsibilities of the surrogate parent. The bill also adds children who are in shelter or foster care to those children who must have access to free public education and must be admitted to school in the school district in which they or their families live. Further, children who are in shelter or foster care are added to those children who can be granted a 30-day exemption to providing records for purposes of school enrollment and obtaining health records and immunizations.

Status: Placed on House Calendar on 2nd Reading
SB 1128 is scheduled to be heard in the Senate Ways & Means Committee

SB 886 – Parental Authority/Liability Releases by Oelrich (Compare to **HB 363** by Horner)

The bill combines SB 886 and SB 2268 and provides that a natural guardian may, on behalf of his or her minor child, waive claims for the inherent risks involved in an activity, but that a waiver may not grant civil immunity to a person or entity whose negligence, gross negligence, or intentional conduct causes injury to a minor child. The committee substitute defines “negligence” to mean “doing something that a reasonably careful person would not do under like circumstances or failing

to do something that a reasonably careful person would do under like circumstances.” In contrast, the original SB 886 provided that natural guardians had the authority, on behalf of their minor children, to waive and release, in advance, any claim or cause of action that could accrue to any of their minor children to the same extent that an adult may do so on his or her own behalf. Finally, the committee substitute provides that natural guardians are still allowed to sign waivers or releases, on behalf of their minor children, in accordance with ch. 773, F.S., relating to equine activities, and s. 549.09, F.S., regarding motor sport activities. [NOTE: The bill combines SB 886 and SB 2268]

Status: Passed Senate Judiciary Committee with a CS
HB 363 is on the House Calendar on 2nd Reading

HB 919 – Class Size Requirements by Weatherford (Similar to **SB 1828** by Wise)

The joint resolution proposes an amendment to Section 1 of Article IX of the Florida Constitution to amend the way that class size compliance is calculated. Beginning with the 2010-2011 school year and every year thereafter, within each school, the average number of students assigned per class to each teacher who is teaching prekindergarten through grade 3 does not exceed 18 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 21 students. For grades 4 through 8, the average number of students assigned to each teacher does not exceed 22 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 27 students. For grades 9 through 12, the average number of students assigned to each teacher does not exceed 25 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 30 students. The proposal also excludes virtual classrooms for class size requirements.

Status: Passed the House
(SB 1828 is scheduled to be heard in Senate Education PreK-12 Appropriations)

SB 1182 – State Retirement System by Fasano (Compare to **HB 479** by Schenck)

The bill provides that any person who retires under the Florida Retirement System on or after January 1, 2010, may be reemployed by an FRS employer but may not receive a salary and retirement benefits while reemployed. Access to renewed membership for such reemployed retirees is closed.

Status: Failed in Senate Governmental Oversight and Accountability; reconsideration pending
HB 479 placed on House Special Order Calendar for 4/21/09

HB 1411 – Education Personnel by Stargel (Similar to **SB 2458** by Altman)

The bill substantially revises provisions relating to contracts with classroom teachers hired on or after July 1, 2009. The bill defines "probationary contract" as a contract for a period of no longer than 1 school year in which a classroom teacher may be dismissed without cause or may resign from the contractual position without breach of contract. "Annual contract" is defined as a contract for a period of no longer than 1 school year which the district school board can choose to renew or not renew without cause. "Professional performance contract" is defined as a contract for a period of no longer than 5 school years which the district school board can choose to renew or not renew without cause. The bill provides that, beginning July 1, 2009, each person newly hired as a classroom teacher must receive a probationary contract. Classroom teachers are eligible for an annual contract after successful completion of the term of a probationary contract. The bill specifies that no classroom teacher can receive more than 7 consecutive annual contracts. Classroom teachers are eligible for a professional performance contract after completion of no fewer than 5 annual contracts in the same school district during no more than 7 successive years, except for leave duly authorized and granted. A professional performance contract may only be offered to a classroom teacher who holds a professional certificate, who has been recommended by the superintendent and approved by the school board based on the successful performance of duties and demonstration of professional competence, and whose performance is satisfactory after a cumulative review of the teacher's effectiveness in the classroom based on objective student

learning gains. The bill authorizes a school board to issue a professional performance contract to any classroom teacher who has previously held a professional performance contract, a professional service contract, or a continuing contract in the same or another district in Florida. However, a classroom teacher who holds a professional service contract or a continuing contract is not required to exchange such contract for a professional performance contract in the same district.

The bill provides that any classroom teacher who is employed on the basis of a written offer of a position, who accepted such offer, and who violates the terms of such contract by leaving his or her position without first being released will be subject to the jurisdiction of the Education Practices Commission. The bill also provides that a classroom teacher on an annual or professional performance contract may be suspended or dismissed at any time during the term of the contract for just cause. The district school board must notify the classroom teacher in writing whenever charges are made against the classroom teacher and may suspend such person without pay. However, if the charges are not sustained, the classroom teacher shall be immediately reinstated and his or her back salary shall be paid. The bill provides a process and timeline for a teacher on a professional performance contract to contest any charges and request for a hearing before the school board or an administrative law judge. The bill directs the SBE to adopt rules to define "just cause" but specifies that "just cause" includes, but is not limited to, immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude, and educational insufficiency. The SBE rules must include a definition of "educational insufficiency" that is based upon three years of data showing at least a majority of the students taught by the teacher showing a lack of progress.

The bill amends provisions relating to Mastery of Professional Preparation and Education Competence by including successful completion of a professional education training program provided by Teach for America and achievement of a passing score on the professional education competency examination required by rule of the State Board of Education. The bill also authorizes the SBE to adopt rules that, for purposes of demonstrating this mastery, would allow a person to use his or her teaching experience as a military instructor to verify occupational teaching experience for the same number of years of instruction provided in one of the branches of the United States Armed Forces. In addition, for purposes of demonstrating the completion of certification requirements specified in state board rule, allow for the acceptance of college course credits recommended by the American Council on Education (ACE), which are posted on an official ACE transcript. These provisions would apply to credit for instruction performed, or course credits awarded, prior to, on, and after July 1, 2009. The bill also repeals s.1012.33(3)(g), F.S. relating to the requirement that, for the purposes of pay, a school board must recognize and accept each year of full-time public school teaching service earned in Florida or outside the state and for which the employee received a satisfactory performance evaluation.

The bill replaces the current personnel assessment system with an appraisal system. The bill provides that appraisals must occur annually except that each first year teacher must have an appraisal twice a year. Appraisal criteria must include, but are not limited to, performance of students, instructional practice, instructional leadership, and professional responsibilities. The bill requires that, by March 1, 2010, and biennially thereafter, the DOE must report to the State Board of Education on the effectiveness of the graduates of state-approved teacher preparation programs. The report must include an analysis of the public school student learning gains on statewide assessments by students who were taught by graduates of each state-approved teacher preparation program.

The bill directs the SBE to adopt the Florida Educator Accomplished Practices. The Commissioner must periodically review the Florida Educator Accomplished Practices and is required to include input from associations representing teachers, principals, superintendents, and school boards when conducting the review. The bill also provides that the leadership standards adopted under the

William Cecil Golden Professional Development Program for School Leaders must focus on instructional leadership and include the ability to identify and promote effective instruction, recruit and retain high-performing instructional personnel, and manage resources to maximize their use for improving student achievement. DOE must annually post on its website the percentage of classroom teachers by school who are first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers. In addition, DOE must annually report, by school district, the number of classroom teachers whose students' declining academic performance indicates educational insufficiency, and the number of teacher dismissals initiated based on educational insufficiency and the number of the initiated dismissals that resulted in termination.

Status: Placed on House Calendar on 2nd Reading

SB 2458 is scheduled to be heard in Senate Governmental Oversight & Accountability

SB 1540 – Student Discipline/Zero Tolerance by Wise (Similar to **HB 997** by Carroll)

The bill requires district school boards to revise their zero tolerance policies so that they define criteria for reporting acts to law enforcement, acts that pose a serious threat to school safety, and petty acts of misconduct. District school boards must also establish a procedure that ensures each student has the opportunity to appeal disciplinary action. The bill requires district school boards and local law enforcement to establish agreements to specify guidelines for offenses that pose a serious threat to school safety and to report such offenses to law enforcement. The bill provides that zero tolerance does not require reports to law enforcement of petty misconduct and misdemeanors. School districts are encouraged to use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety. The bill also requires a district school board that has a policy of allowing the use of corporal punishment as a form of discipline to review its policy on corporal punishment once every 3 years during a district school board meeting.

Status: Passed Senate Judiciary Committee with a CS

HB 997 is in committee

SB 1616 – Career and Adult Education by Oelrich (Similar to **HB 7079** by SCCW)

The bill renames the Division of Workforce Education as the Division of Career and Adult Education. The bill provides for a designation of industry-certified career education on the standard high school diploma for students who complete specific industry certification programs approved by Workforce Florida, Inc. The bill eliminates the requirement for adult high school students to complete a credit in performing arts for graduation purposes. In addition, the bill also revises definitions and council membership relative to the State Apprenticeship Advisory Council in order to comply with federal regulations.

Status: Passed Education PreK-12 Appropriations Committee with a CS

HB 7079 is on the House Calendar on 2nd Reading

SB 1680 – English Language Learners Pilot Program by Wise (No House Companion)

The bill requires the State Board of Education to implement a three year pilot program in which professional development training will be provided for reading teachers to become qualified to teach reading to students who are English Language Learners (ELL). The pilot program will be based upon a capstone that defines the necessary content to teach reading to ELL students. A committee of national and state-level experts in reading instruction and English language acquisition will develop and identify the content for the pilot program. Students will be taught reading by teachers who have participated in the pilot professional development program and by teachers who have completed an ESOL endorsement professional development program. The bill provides that ELL student achievement scores on CELLA reading and grades 3-10 FCAT reading will be reported annually by the participating school districts to DOE. A comparison will be made of the scores of the students taught reading by teachers participating in the pilot and capstone completers and of the students taught reading by teachers who have completed an ESOL endorsement professional development program. DOE must submit a report to the State Board

of Education on the results from the pilot program and the Commissioner must recommend to the board whether to adopt a permanent capstone professional development for teachers to become qualified to teach reading to ELL students and the content for such program.

Status: Passed Senate Education PreK-12 Appropriations Committee with a CS

SB 1682 – Differentiated Accountability by Wise (*Similar to **HB 991** by Grady*)

The bill requires the State Board of Education (SBE) and the state school system to comply with the federal Elementary and Secondary Education as amended, and its implementing regulations if the SBE determines that the act and its implementing regulations meet certain specified purposes. The SBE is required to categorize public schools based on the school's grade and the level and rate of change in student performance in reading and mathematics, disaggregated into student subgroups and authorizes the SBE to impose intervention strategies on the lowest performing public schools. The bill defines the lowest performing schools as schools that have received a grade of "F" in the most recent school year and in four of the last six years, or are currently graded "D" or "F" and meet other specified criteria. The bill requires school districts and schools to administer intervention and support strategies for all but the lowest performing schools and certain schools with a grade of "F". The bill requires school districts to implement one of four options for the lowest performing schools: convert the school to a district-managed turnaround school; reassign students to another school and monitor the progress of the reassigned students; close the school and reopen it as a charter school or multiple charter schools whose governing board has a demonstrated record of effectiveness; or contract with an outside entity that has a demonstrated record of effectiveness to operate the school. The bill specifies that a school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading, in order to be designated as a higher performing school. Student performance must be evaluated for each subgroup including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. The bill requires DOE to implement school improvement immediately and the SBE must adopt rules to implement the law no later than July 1, 2010.

Status: Placed on Senate Calendar on 2nd Reading
HB 991 is on the House Calendar on 2nd Reading

SB 1914 – School Districts/Paperwork Reduction by Detert (*No House Companion Bill*)

The bill deletes the requirement for school districts to designate a teacher to serve as a district representative to gather input from colleagues and recommend methods to reduce paperwork and data reporting burdens. The Commissioner is directed to review data and paperwork reporting by the school districts and recommend to districts specific data collection and reports which can be eliminated or consolidated.

Status: Passed Senate Education PreK-12 Appropriations Committee

SB 1978 – Classroom Expenditures by Diaz de la Portilla (*Identical to **HB 883** by Schenck*)

The bill provides that, effective July 1, 2009, school districts must spend a minimum of 70% of the district general fund on expenditures in the classroom. Expenditures in the classroom shall consist of expenditures for instruction and expenditures for instructional support services. The bill specifies that expenditures for instruction include: salaries and benefits for instructional personnel; substitute teachers; textbooks; library books; instruction-related materials and supplies; instruction-related audio-visual materials; instruction-related computer hardware and software; and compensation for persons on temporary appointment in certain positions who do not receive employee benefits. Expenditures for instructional support services include: salaries and benefits for instructional personnel; pupil personnel services (including guidance counselors, career specialists, and school psychologists); instructional media services; aid to teachers in developing curriculum and instruction; instructional staff training and professional development services; reimbursement for instructional staff travel to professional development activities outside the district; and compensation for persons on temporary appointment in certain positions who do not receive

employee benefits. The bill provides that school food services, student transportation, charter schools, and debt service shall not be considered in calculating the percentage of expenditures in the classroom. DOE must develop a uniform calculation for determining classroom expenditure percentages and a common format for district reporting. School districts are required to publish classroom expenditure information annually in the financial report and to post the information on the district's Internet site. Effective May 1, 2012, school districts must publish in each school report card the most recent 3 years of the district-wide percentage of general funds expended in the classroom. DOE must analyze the expenditures of any school district that receive a district grade of "C" or lower and that meet or fail to meet required classroom expenditure levels and provide technical assistance in budget preparation and analysis to these districts. Effective July 1, 2011, the superintendent of any district that fails to meet the minimum classroom expenditures and district grade must appear before the State Board of Education to explain the financial and academic performance status of the district. The State Board of Education is authorized to adopt rules to administer these provisions.

Status: Passed Senate Education PreK-12 Appropriations Committee with a CS
HB 883 has not been heard in any committee of reference

SB 2426 – Student Records by Detert (Similar to **HB 7117** by EPC)

The bill substantially revises provisions relating to student records to align with the federal Family Educational Rights and Privacy Act (FERPA). The bill provides for student and parent rights of access, waiver, privacy, notification, and challenge of the content of student records. The State Board of Education is required to adopt rules to address FERPA principles concerning federal student education records requirements. The SBE must also monitor FERPA and notify the Legislature of significant changes which may create a need for an exemption to public records requirements. In order to align with FERPA, the bill repeals the provisions in law which specify the manner in which student and parental rights are implemented. The bill also repeals current law with respect to the parties who may access otherwise confidential and exempt personally identifiable records about a student, without the consent of the parent or student, as the list is more limited than the parties specified in FERPA. [NOTE: SB 2374 is linked to SB 2426, and HB 7119 is linked to HB 7117, to provide related public records exemptions.]

Status: Placed on Senate Calendar on 2nd Reading
HB 7117 placed on House Calendar on 2nd Reading

SB 2482 – School Improvement & Accountability by Wise (Compare to **HB 7087**)

For the purposes of the Florida Secondary School Redesign Act, the bill revises the definition of a secondary school to mean a school that serves students in grades 6 through 12. A secondary school does not include an elementary school serving students only through grade 6. The bill repeals the provisions for the Secondary School Improvement Award. The bill amends the 3-year standard college preparatory accelerated graduation option to require that students who enter grade 9 in the 2009-2010 school year must earn four credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission and two credits in electives. The bill also revises the requirements relating to an academically high-performing school district to make the designation an annual award. The bill authorizes district school boards to post their annual student progression report on a district website by October 1, rather than requiring a school district to publish the report in a newspaper by September 1, and authorizes the boards to provide a corresponding link to the State Board of Education. In addition, the bill moves the deadline, from November 1 to February 1, by which school staff and school advisory councils must determine the distribution of Florida School Recognition Program funds. [NOTE: This bill had contained provisions relating to Differentiated Accountability – those provisions have been move to SB 1682]

Status: Placed on Senate Calendar on 2nd Reading
HB 7087 on House Calendar on 2nd Reading

SB 2538 – Supplemental Educational Services by Detert (Similar to **HB 1377** by Dorworth)

The bill provides that, by May 1 of each year, each supplemental educational services (SES) provider must report to DOE information regarding services provided to public school students in the district. The report must include student learning gains, student attendance and completion data, and the results of satisfaction surveys of parents, the school district, and school principals. The bill requires DOE to evaluate each state-approved SES provider and assign a service designation of excellent, satisfactory, or unsatisfactory for the prior school year. The bill provides that a service designation cannot be assigned if the student population served by the SES provider does not meet the minimum sample size necessary for statistical reliability and prevention of the unlawful release of personally identifiable student information. By September 1, 2009, DOE must approve acceptable pre-test and post-test methods for measuring student learning gains and, as a condition for state approval, an SES provider must use a method for measuring student learning gains that results in reliable and valid results as approved by DOE. An SES provider must report data on individual student learning gains to DOE, unless a prior agreement has been made with the local school district to report such student achievement data. The report must include individual student learning gains as demonstrated by mastery of applicable benchmarks or access 89 points set forth in the Sunshine State Standards. The bill authorizes school districts to use Title I, Part A funds to meet these requirements. The rules adopted by the SBE to implement the provisions relating to SES service designations must include an internal complaint procedure to resolve disputes regarding the state approval process, termination of state approval, and assignment of a service designation.

Status: Passed Education PreK-12 Appropriations with a CS
HB 1377 placed on House Calendar on 2nd Reading

SB 2654 – High School Graduation by Altman (Compare to **HB 1293** by Fresen)

The bill modifies the high school graduation requirements for a standard diploma to provide that, beginning with students entering the 9th grade in 2010-2011, of the four credits required in math, one must be Algebra I or the equivalent and one credit must be geometry or the equivalent. Of the three credits required in science, one must be Biology I or the equivalent, one must be in a physical science or the equivalent, and one must be a higher-level science. At least two of the science courses must have a laboratory component. Beginning with students entering the 9th grade in 2012-2013, of the four credits required in math, one must be Algebra I or the equivalent, one must be geometry or the equivalent, and one must be Algebra II or the equivalent. Of the three credits required in science, one must be Biology I or the equivalent, one must be chemistry or the equivalent, and one must be a higher-level science. At least two of the science courses must have a laboratory component. The bill provides that students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options must be advised of the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available, as well as the availability of course offerings through the Florida Virtual School. In addition, the bill raises the FCAT score required for a student to pass the Grade 10 FCAT by providing that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency. The bill also authorizes the award of a standard high school diploma to certain honorably discharged veterans.

Status: Passed Senate Education PreK-12 with a CS
HB 1293 is on the House Calendar on 2nd Reading