

FSBA

BOARDER-LINE

Official Legislative Bulletin of the
Florida School Boards Association

March 21, 2008

Volume 2008, Number 5

Taxation and Budget Reform Commission

The TBRC met on Monday, March 17, to consider several proposals of interest and concern to school districts, including CP 2 – Required Local Effort Replacement, CP 21 – Property Tax Exemptions and Limitations, CP 30 – Class Size Limits, and CP 50 – Elimination of Required Local Effort (*Please click [HERE](#) to access Boarder-Line 4 that included a detailed summary and discussion of each of these proposals*). With respect to the three proposals impacting school property tax revenue (CP 2, CP 21, and CP 50), during debate and discussion of CP 2, the Commission approved several amendments that incorporated parts of CP 21 and CP 50 into CP 2. The Commission then passed CP 2 as amended on a vote of 24 - 4. The Commission temporarily postponed action on CP 21 and CP 50 and it is expected that CP 21 and CP 50 will not be called up again for any further consideration. Meanwhile, CP 2 is now in the hands of the TBRC Style and Drafting Committee where the proposal and the ballot summary will be reviewed and revised, as needed. CP 2 will then be returned to the full TBRC for a final vote to authorize placing the proposal on the November General Election ballot. FSBA has several grave concerns about the intent, effect, and implications of this proposal and we will be submitting a letter to the TBRC members, the Governor, and others expressing these concerns. We are also in the process of developing complete advocacy toolkit on this issue and we will be asking for your help in defeating this measure when it returns to the full TBRC in April for a final vote.

Of more immediate concern is the TBRC's action on CP 30 relating to Class Size. During debate and discussion of CP 30, the Commission considered an amendment to the proposal that was designed to ensure that any savings that may result from amending the class size requirements would be earmarked to supplement K-12 funding. That amendment failed on a vote of 16-8. The Commission then voted on the main proposal, which also failed on a vote of 14-11 (***NOTE: a minimum of 17 votes is required for passage***). However, after the main proposal failed, a motion was made for reconsideration of CP 30 which passed. CP 30 has been placed on the agenda for reconsideration at the TBRC meeting scheduled for Wednesday, March 26.

In addition to CP 30, there are three other proposals on the agenda for consideration by the TBRC on Wednesday. A summary and discussion of these proposals is provided below. Two of these proposals – CP 20 and CP 40 – address similar issues, so they are summarized separately, but discussed together.

CP 20 – Repeal of the Blaine Amendment (*also see CP 40 summarized below*)

This proposal would delete a portion of Article 1, section 3 of state Constitution, commonly referred to as the “no aid” provision or Blaine Amendment, that states “no revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.” and replaces it with language that provides that “Individuals or entities may not be barred from participating in public programs because of religion.” (*Click [HERE](#) to read this proposal*)

CP 40 – Public Services Through Private Providers *(Also see CP 20 summarized above)*

This proposal would amend Article 1 of the State Constitution to authorize the Legislature to fund private or religious providers of public services, such as health care and education, and would authorize the public to choose among such service providers as permitted by law. Specifically, the proposal states that “. . . no person shall be deprived of the opportunity to select among eligible public and private providers of publicly financed goods and services in every field, as permitted by law, including, without limitation, health care, education, and elder care. The legislature is not limited from enacting and funding programs allowing families and individuals to use public and private providers, without regard to the religious nature of any provider or participant, notwithstanding this Article, Article IX, section 1, or any other provision of this Constitution.” *(Click [HERE](#) to read this proposal)*

FSBA Position and Discussion of CP 20 and CP 40: FSBA opposes both of these proposals because they would undermine constitutional provisions that support public education and that have served as the basis for court rulings against voucher programs. By repealing the no aid provision in Article 1 section 3, CP 20 would erase the underpinning of the opinion by First District Court of Appeals in the *Bush v. Holmes* Opportunity Scholarship litigation declaring Opportunity Scholarships unconstitutional. The result of CP 20 is likely to be the large scale redirection of state funds from public education to private and religious schools. CP 40 would be even more destructive than CP 20 because it would not only supersede the no aid provision, but would also supersede Article IX, section 1(a) of the Florida Constitution that makes the public school system the exclusive means by which the state must educate children. These provisions were central to the ruling by the Florida Supreme Court on *Bush v. Holmes* declaring Opportunity Scholarships unconstitutional. The result of CP 40 is likely to be the authorization of blanket vouchers on a statewide basis.

CP 45 – State and Local Revenue Limitations

This proposal would amend section 1 and create section 19 of Article VII of the State Constitution. The proposal would require that a new tax or fee may not be imposed by the state, a county, a municipality, or a school district unless the imposition is approved by a vote of the electors of the respective government. The proposal also imposes revenue limitations on the state, local governments and school districts. For school districts, revenues for any fiscal year would be limited to revenues for the prior fiscal year plus an adjustment for growth. The proposal defines “local government revenues” as taxes, fees, assessments, licenses, fines, and charges for services imposed by a local government on individuals, businesses, or another local government. However, the term “local government revenues” does not include: revenues necessary to meet the requirements set forth in documents authorizing the issuance of bonds issued prior to July 1, 2008; ad valorem taxes approved for periods not longer than 2 years by vote of the electors or ad valorem taxes levied for bonds to for capital purposes; non-ad valorem taxes levied pursuant to voter approval required by this constitution or by general law; balances carried forward from prior fiscal years; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to the state constitution after July 1, 2008. The proposal defines “growth” for school districts as an amount equal to the district’s revenues for the prior fiscal year multiplied by the sum of one percentage point plus the combined rate of inflation and rate of enrollment change. The proposal defines “rate of enrollment change” as the percentage change in each school district’s student enrollment as determined by the legislature from information available on the first day of February prior to the beginning of the fiscal year and must compare the enrollment of the most recent two consecutive years. The proposal provides that revenues collected in any fiscal year in excess of the revenue limit must be transferred to a budget reserve fund or returned to taxpayers as provided by general law. The school board’s revenue limitation may be increased for a period not to exceed ten years upon approval by a two-thirds vote of the membership of the board. *(Please click [HERE](#) to read this proposal)*

FSBA Position and Discussion: This proposal mirrors efforts in other states to impose similar revenue and/or spending limits that have been widely unsuccessful and detrimental to the provision of local services, including education. Such initiatives are often referred to as the Taxpayer's Bill of Rights, or TABOR. FSBA opposes this proposal because it places unreasonable, artificial, and unnecessary restrictions on funding for public education and it undermines every principle of local control and representative government. FSBA is particularly concerned about the combined and long term effects on public education funding if this proposal is approved on the heels of, or in combination with, a declining state economy, revenue losses from Amendment 1 and revenue losses from CP 2 (which eliminates Required Local Effort millage). It is also important to note that this proposal imposes similar revenue limits on the state as well. Thus, the state will be less able to allocate funds to education which is in conflict with the state's constitutional responsibility to make adequate provision for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education.

While FSBA supports CP 30 relating to class size, clearly, proposals 20, 40, and 45 present grave concerns. FSBA is in the process of developing background materials, contact information, and talking points on these proposals and will be issuing a **CALL TO ACTION** to our members on Monday, March 24 asking for your help in supporting CP 30 and defeating CP 20, CP 40, and CP 45. We ask that your review this Call to Action carefully and respond promptly.

Bill Action This Week

A significant number of bills were considered in committees this week and several were substantially amended and/or replaced with Committee Substitutes (CS). Because of the state's economic situation, legislators are aware that bills that carry a substantial financial impact are unlikely to move forward. As a result, many of the amendments this week were intended to eliminate or reduce the fiscal impact of the bill.

HB 91 – Disability History and Awareness by Richardson *(Similar to SB 856 by Fasano)*

The bill requires district school boards to annually designate the first two weeks of October as "Disability History and Awareness Weeks" and authorizes district school boards to provide disability history and awareness instruction. The bill provides the purpose and goals of providing disability history and awareness instruction, and suggests how instruction may be integrated into existing school curriculum.

Status: Favorable in K-12 as amended *(SB 856 favorable in Children & Families as a CS)*

HB 207 – Certification / Foreign Language by Sachs *(Similar to SB 1062 by Dockery)*

The bill authorizes an applicant seeking a teaching certificate in order to teach a world language to demonstrate mastery of subject area knowledge of the language by passing a subject area examination, if DOE has developed an examination for the language. In order to be certified to teach a world language for which DOE has not developed a subject area examination, the applicant may demonstrate mastery of subject area knowledge by earning a bachelor's or higher degree and attaining oral and written foreign language proficiency on national examinations administered by the American Council of Teachers of Foreign Languages. The bill also deletes provisions in current law which require a teacher employed under a temporary certificate to demonstrate mastery of general knowledge within 1 year after employment. This allows the teacher to demonstrate mastery of general knowledge at any time until the teacher's 3-year temporary certificate expires.

Status: Favorable in Schools & Learning as CS; Placed on Calendar on 2nd Reading

HB 213 – Single Gender School / Classes by Legg *(Similar to SB 242 by Wise)*

The bill authorizes a district school board to establish a single-gender class, extracurricular activity, or school if the board also offers a coeducational class, extracurricular activity, or school of substantially equal quality and a single-gender class, extracurricular activity, or school for students of the other gender that is of substantially equal quality. The bill specifies that no student may be

required to enroll in a single-gender class, extracurricular activity, or school and that student participation must be voluntary. Each district school board must evaluate its single-gender programs every two years to ensure compliance with federal law.

Status: Favorable in Schools & Learning as CS; Placed on Calendar on 2nd Reading (*SB 242 in Messages to the House*)

HB 445 – Intergovernmental Cooperation by Proctor (*Identical to SB 1070 by King*)

The bill authorizes district school boards to enter into interlocal agreements with public agencies for services and facilities. Such agreements may allow for one or more parties to provide services in exchange for payment or for a mutual exchange of services. The bill authorizes public agencies to provide for the use or maintenance of facilities or equipment by interlocal agreement. The bill provides that compensation for such activities may be provided on a cost reimbursement basis. The bill also specifically authorizes a district school board to provide transportation of students, rent buildings, and provide maintenance to school plants by interlocal agreement. District school boards may enter into agreements with local governments or certain state agencies to use school buses for public transportation or for other public purposes. The bill also provides for reimbursement to school boards based upon maintenance costs or other activities attributable to the use of the buses under the agreement. A public agency receiving such services must indemnify and hold the school board harmless from all liability stemming from such use of its school buses.

Status: Favorable in Schools & Learning as CS; Placed on Calendar on 2nd Reading

SB 610 – Physical Education / Grades 6-8 by Constantine (*Similar to HB 757 by Davis*)

The bill amends the required contents of each school district's education policy to provide that the policy must detail the school district's physical education program, the expected program outcomes, the benefits of physical education, and the availability of one-on-one counseling concerning the benefits of physical education. The bill also amends the required physical education instruction to provide that the required 150 minutes of physical education that must be provided each week for students enrolled in grades K - 5 (and 6th grade, if 6th grade is offered at the elementary school) must be offered so that, on any day during which physical education instruction is conducted, there are at least 30 consecutive minutes per day. The bill deletes language encouraging 225 minutes of physical education for students in grades 6 through 9 and replaces it with the requirement that the equivalent of one class period per day of physical education for one semester of each year is required for students enrolled in grades 6 through 8. The bill provides that these physical education requirements may be waived for a student who is enrolled or required to enroll in a remedial course or if the student's parent requests that the student enroll in another course or if the parent indicates that the student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

Status: Favorable in Education Pre-K - 12 as a CS

HB 623 – School Food Service Programs by Kendrick (*Identical to SB 1458 by Wise*)

The bill requires each district school board, beginning with the 2010-2011 school year, to expand the School Breakfast Program to all middle and high schools and directs school districts to set prices for breakfast which cover the costs of breakfast, except if the district school board sets lower prices. The bill encourages school districts to provide universal-free school breakfast and requires district school boards to consider a policy for providing universal-free school breakfast for all students in schools in which 80% or more of the students are eligible for free or reduced-price meals. Requires each school to serve meals at alternative sites such as in the classroom or on the bus. Finally, the bill directs OPPAGA to issue a report that estimates the costs of universal-free school breakfast, examines the efficiency and effectiveness of school district food service programs, identifies best practices and strategies for reducing food service costs, evaluates the state reporting of food service revenues and costs, and assesses the methodology used for allocating state funds for food service programs.

Status: Favorable in K-12 as amended

HB 659 – Service Learning by Kriseman *(Identical to SB 1498 by Fasano)*

The bill encourages service-learning, a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their community and school, in public school. Service-learning is directly tied to academic curricula and fosters academic achievement, character development, civic engagement, and career exploration. The bill requires DOE to encourage districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in K-12. DOE must also develop and adopt elective service-learning courses for middle and high school course code directories. School districts are encouraged to include K-12 service-learning programs and activities in proposals submitted to the DOE under federal entitlement grants and competitive state and federal grants, to include service-learning as part of any course or activity required for high school graduation, and to accept service-learning activities and hours in requirements for academic awards. The bill authorizes the hours that high school students devote to course-based service-learning activities to count toward high school graduation and the Florida Bright Futures Program community service requirements.

Status: Favorable in 21st Century Competitiveness

HB 769 – Education of Children in Shelter Care by Kelly *(Identical to SB 2750 by Storms)*

The bill provides authority for the court to appoint a surrogate parent for a child in proceedings relating to children (chapter 39, F.S.), who has or is suspected to have a disability for the purpose of educational decisionmaking under certain specified circumstances, specifies the individuals the court can and cannot appoint, and requires the court to defer to the district school board's appointment of a surrogate parent if such appointment is made prior to the court's appointment. In addition, the bill adds a designated liaison between a local school district and the Department of Children and Family Services (DCF) or the court to the list of entities that may be granted access to records in child abuse and neglect cases. The court is required to request parental consent for the release of a child's educational records if the child is placed in shelter following a shelter hearing and provides that the court may order the release of those records if the parents withhold consent. The bill creates a definition for the term "surrogate parent" and this definition is added to the definition of the term "parent" under the school code, giving a surrogate parent the same rights as a parent under the K-20 Education. The bill also amends the current definition of "homeless child" to align with definition under the federal McKinney-Vento Homeless Assistance Act for purposes of school enrollment and obtaining health records and immunizations.

Status: Favorable in Healthy Families

SB 790 – School Safety / Bullying and Harassment by Baker *(Similar to HB 669 by Thompson)*

The bill establishes the "Jeffrey Johnston Stand Up for All Students Act." The bill requires each school district to adopt, by December 1, 2008, a policy to prohibit bullying and harassment during school-related and school-sponsored activities or through the use of computer access that is networked as a part of a public K-12 educational institution. Each policy must contain a definition of bullying and harassment provided in the bill, notice of penalties, reporting and investigating procedures, and notice to the parents of a bullying victim of actions taken to protect the victim. School districts would be required to provide all students with the same protections against harassment and bullying regardless of their status. School districts are authorized to establish separate protected categories of students for purposes of adopting antidiscrimination policies. The bill specifies that the physical location or time of access of a computer-related bullying incident may not be raised as a defense in any disciplinary or prosecution initiated under this bill. School employees, volunteers, students, or parents who promptly report acts of bullying or harassment in good faith as provided in the adopted policy are immune from any civil cause of action arising out of the report or failure to remedy the reported incident.

Status: Favorable in Education Pre-K - 12

HB 925 – Florida's Accountability System / IDEA by McBurney *(Similar to SB 2396 by Wise)*

This bill revises the legislative intent of Florida's K-20 education performance accountability system to specify that it is the intent of the Legislature that the K-20 education performance accountability system comply with the requirements of the "No Child Left Behind Act of 2001," and the "Individuals with Disabilities Education Act," as amended.

Status: Favorable in K-12

HB 957 – Bright Futures Scholarship Program by Kendrick *(Identical to SB 2262 by Wise)*

The bill codifies the Office of Student Financial Assistance current test score requirements for home education students. The bill requires a home education student who successfully completes a SBE approved college-preparatory curriculum offered through a Florida public school, private school, or dual enrollment program must achieve the standard eligibility score set by the SBE on the SAT, or an equivalent ACT score, in order to be eligible for the Florida Medallion Scholars (FMS) award. The bill further provides that a home education student who completes a non-SBE approved home education curriculum must achieve a score of at least 100 points higher than the score set by the SBE for FMS award eligibility. The bill also clarifies that, to be eligible for the FMS award, a home education student must have attended a home education program in, at least, grades 11 and 12.

Status: Favorable in Education Innovation & Career Preparation

HB 985 – Workplace Skills of Students by Nelson *(Similar to SB 2818 by Wise)*

the bill requires students entering their first year of high school in the 2008-2009 school year to earn a Florida Ready to Work Credential (credential) as a requirement for graduation, if the student selects the traditional 24-credit graduation option and chooses a career or technical major area of interest. The bill also revises the student eligibility requirements of the Florida Gold Seal Vocational Scholars (Gold Seal) award to include the requirement that, for a student entering grade 9 in the 2008-2009 school year, a student earn a Florida Ready to Work Credential. In order to achieve a gold level credential, a student must score a minimum of 5 on the assessments for Reading for Information, Applied Mathematics, and Locating Information. Along with the existing gold level Florida Ready to Work Credential, the bill creates a bronze level and silver level for the credential and establishes criteria for achieving each level.

Status: Favorable in 21st Century Competitiveness as amended

HB 1021 – Prekindergarten Education Pilot Program by Ausley *(Similar to 2606 by Dean)*

The bill establishes a pilot program for enhancing the quality of the Voluntary Prekindergarten Education (VPK) Program in Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla counties. The program is established as a 3-year coordinated pilot and participation by prekindergarten education providers is voluntary. The program must provide opportunities for individuals with baccalaureate or higher degrees to teach in the VPK program. The Early Learning Coalition of the Big Bend Region must develop a curriculum for the pilot program in consultation with a community college, and the curriculum must provide each participant with early education training designed to enhance the quality of the VPK program and with health and safety training. Individuals participating in the pilot program must complete the curriculum. The bill specifies that the pilot program is to be administered by the Early Learning Coalition of the Big Bend Region and the coalition must recruit participants for the program, determine the required training, and provide assistance for the placement of participants. The bill does not provide funding for the pilot program but specifies that implementation of the pilot program is not required until the coalition secures the necessary funding.

Status: Favorable in Schools & Learning Council

HB 1203 – Interstate Compact / Military Children by Proctor *(Identical to SB 2546 by Storms)*

The Interstate Compact on Educational Opportunity for Military Children was developed by the Council of State Governments (CSG) in cooperation with the U.S. Department of Defense (DOD) to address the educational transition issues faced by military families in the areas of program eligibility and placement, enrollment, and high school graduation. The compact becomes effective once ten states pass legislation adopting it. As of March 2008, 19 states have introduced legislation to adopt the compact, but no state had adopted it. This bill directs the Governor to execute and legally join the compact on behalf of the State of Florida. The requirements of the compact are laid out in a series of articles addressing the purpose of the compact, its applicability to persons and entities, definitions, educational records and enrollment, program placement and attendance, program eligibility, and graduation. The bill creates an Interstate Commission on Military Children to oversee the administration and operations of the interstate compact and establishes an executive committee to oversee the day-to-day activities of the commission. The bill requires the Secretary of State to furnish an enrolled copy of this act to each state that approves the compact upon its becoming law. *(Note: The bill delegates authority to the Interstate Commission to adopt rules that effectively and efficiently achieve the purposes of the Interstate Compact on Educational Opportunity for Military Children. If the bill is enacted into law, the state will have effectively bound itself to rules not yet promulgated by the Interstate Commission. This may be viewed as an unconstitutional delegation of legislative power.)*

Status: Favorable in Education Innovation & Career Preparation as amended

HB 1299 – Driver’s Education by Ambler *(Similar to SB 2678 by Crist)*

The bill prohibits the Department of Highway Safety and Motor Vehicles from issuing a driver’s license to any person under age 18 unless the person has successfully completed a driver education course given by a public secondary school in compliance with s. 1003.48, F.S., a nonpublic school meeting the standards prescribed in s. 1003.48, F.S., or a commercial driving school licensed under chapter 488. Upon completing the course, the student shall be presented with a certificate of completion. The bill shifts the requirements for prescribing course and personnel standards, including standard curriculum requirements, to the State Board of Education. The bill clarifies that under the new uniform standards, certified instructors and licensed driving schools must ensure that their curriculum meets the required minimums developed by the State Board of Education. It also stipulates that the driver education course must include classroom instruction and behind-the-wheel training, which may include use of a simulator. A driver under 18 who has not completed the required driver education course must have a restriction placed on their learner’s driver’s license to allow having only one passenger in the motor vehicle unless the driver is accompanied by a person holding a valid driver’s license and is at least 21.

Status: Favorable in Infrastructure as amended

HB 1301 – Charter Schools by Legg *(Similar to SB 1652 by Education Pre-K-12)*

The bill requires for both charter school and Charter Technical Career Center (CTCC) applicants to use an application developed by the DOE and to attend DOE applicant training prior to filing an application. Sponsors for both charter schools and CTCCs must evaluate applications using an evaluation instrument developed by the DOE.

The bill adds CTCCs to the Financial Emergencies Act so that they will be subject to the Act’s requirements in the same manner as local government entities, school boards, and charter schools. Further, the bill strikes existing conflicting language regarding financial difficulties and creates a new section to address this issue. Under this new section, the indicators of risk for financial difficulty are specified as an end-of year financial deficit, a substantial decline in student enrollment without a commensurate reduction in expenses, insufficient revenues to pay current operating expenses or long-term expenses, disproportionate administrative expenses, excessive debt or expenditures, inadequate fund balances or reserves, and failure to meet specified statutory financial reporting requirements. When one of these indicators occurs, a charter school and a

CTCC are subject to an expedited review by the sponsor and the sponsor and governing board must develop and file with the Commissioner and the Florida Schools of Excellence Commission (FSEC), a corrective action plan. The governing board is required to monitor the corrective action plan and annually report on its implementation status to the sponsor. Further, the new section requires the Commissioner to determine if a charter school or a CTCC needs a financial recovery plan when an audit reveals a financial emergency condition or a deficit fund balance or deficit net assets. If the Commissioner determines that a plan is needed, the charter school or CTCC is considered to be in a state of financial emergency. The bill specifies that a sponsor may choose to not renew or terminate a charter if the school or center fails to correct the deficiencies in a corrective action plan within one year or if it exhibits one or more financial emergency condition for two consecutive years.

As a condition of receiving a charter, the bill requires charter school and CTCC applicants to disclose the names of relatives that will be employed by the charter school or CTCC. The bill prohibits personnel in charter schools and CTCCs that are operated by a private entity from employing or promoting a relative if he or she exercises jurisdiction or control over the individual. This prohibition applies to governing board members and their relatives. Similarly, the bill prohibits a relative from accepting employment or a promotion if the decision is made or advocated by his or her relative. These provisions do not apply when an action is limited to the approval of a budget. However, the bill authorizes the governing board to unanimously waive these nepotism provisions. The nepotism requirements in s. 112.3135, F.S., apply to charter school personnel in schools operated by municipalities or other public entities. The bill specifies penalties for violations.

The bill provides that members of the governing board of a charter school or CTCC, including those operated by private entities, are subject to the same requirements that apply to public employees for the solicitation and acceptance of gifts, business transactions, and conflicting employment or contractual relationships in s. 112.313(2), (3) and (7), F.S. Under certain circumstances, a board member may seek an exemption from some of these provisions. The bill also subjects board members to the voting conflict requirements in s. 112.3143, F.S. Board members of charter schools or centers operated by public entities are explicitly subject to the requirements for public disclosure of financial interests in s. 112.3144, F.S. The bill prescribes penalties for violations.

The bill requires DOE to provide charter schools that do not receive a school grade or a school improvement rating and that serve at least ten students who participate in the statewide assessment with student performance data, including learning gains, which is used to determine a school grade or a school improvement rating. Each charter school must report student performance comparisons by grade groupings to the parents of a student enrolled in a charter school or on a charter school waiting list, the school district, and the governing board. The report must compare the performance of each charter school that does not receive a school grade or school improvement rating with that of traditional public schools in the district in which the charter school is located and to other charter schools in the state. Such reporting must comply with statutory requirements relating to student records and privacy. The bill also requires charter schools to post this information on their website and provide for other notice to the public, as provided for in SBE rule. The FSEC must include a link on its website to this information.

The bill provides that, beginning in 2008-09 and every 4 years thereafter, a school district may apply to the SBE for exclusivity to authorize charter schools. If granted, the exclusivity shall be effective for 4 years.

Status: Favorable in Education Innovation & Career Preparation as amended (*SB 1652 favorable in Education Pre-K – 12 Appropriations; Placed on Calendar on 2nd Reading*)

HB 1325 – Corporate Income Tax Scholarships by Attkisson

The bill creates the “Foster Child Education Scholarship Program,” a new, separate corporate income tax scholarship program. The bill allows up to \$50 million in corporate income tax credits to be granted to taxpayers who provide eligible contributions to SFOs to fund scholarships for students in who are currently placed, or during the previous state FY was placed, in foster care and students who were counted as a full-time equivalent student at any time during the previous state FY in a DJJ educational program. Such students would be eligible to receive scholarships for private school tuition and fees or for transportation to a public school of choice. Unlike the current CITC Program, foster care and DJJ students do not have to qualify for free or reduced-price school lunches under the National School Lunches Act. The amount of the scholarships that may be awarded is up to 75% of the unweighted FEFP student funding amount in the General Appropriations Act for a private school scholarship or \$500 for a transportation scholarship. The bill limits the tax credit to 75% of a taxpayer’s total corporate income tax liability. The bill provides requirements for SFO, parent, student, and private school participation in the program. SFOs are authorized to use up to 3% of eligible contributions for administrative expenses. The bill authorizes the Commissioner to revoke the eligibility of, or suspend payment to, a private school under certain circumstances. School district are required to notify parents of the availability of the Foster Child Education Scholarship Program and to include information on the Program in its parent guide. A student receiving a Foster Child Education Scholarship Program scholarship is prohibited from also receiving a McKay Scholarship. A private school that participates in the Foster Child Education Scholarship Program is required to comply with the scholarship accountability provisions in law. The bill also provides for preservation of a taxpayer’s credit in the event provisions authorizing a tax credit are held to be unconstitutional.

Status: Favorable in Education Innovation & Career Preparation as amended

SB 1414 – Supplemental Education Services by Diaz dela Portilla

The bill directs DOE to annually evaluate and designate a performance grade of “A,” “B,” “C,” “D,” or “F,” for each Supplemental Educational Services (SES) provider. The performance grade is to be based on a combination of student learning gains and student proficiency levels, as measured by the statewide assessment pursuant to s. 1008.22, and norm-referenced tests approved by DOE for students in kindergarten through grade 3. Beginning with the 2007-2008 school year, DOE must assign a grade to each state approved supplemental educational services provider and by March 1 report the grades to the supplemental educational services providers, the school districts, parents, and the public.

Status: Favorable in Education Pre-K - 12 as a CS

SB 1440 – Corporate Income Tax Scholarships by Gaetz *(Similar to HB 653 by Traviesa)*

The bill significantly expands the Corporate Income Tax Credit (CITC) scholarship program. The bill provides legislative findings and revises the program’s purpose. The bill increases, each year, the total amount of tax credits and carryforward of tax credits which may be granted each fiscal year from the current limit of \$88 million to a limit of \$238 million in 2012. The bill also eliminates the 1% set aside for small businesses.

The bill expands the eligibility criteria to include a sibling of a scholarship student who continues to participate in the program. The sibling would be considered to be a first-time CITC scholarship recipient exempt from certain other eligibility criteria, as long as the student’s and the sibling’s household income level does not exceed 200% of the federal poverty level.

The bill revises SFO requirements in several ways. The bill allows the scholarship to cover private school fees, but deletes transportation or textbooks as an allowable use of the funds. The requirement that 75% of the scholarship funds be used for tuition is deleted. The bill provides that, beginning in the 2009-2010 state fiscal year, the SFO must provide a \$200 premium payment to a scholarship student who participates in the statewide assessments and who attends an eligible

private school that has at least 95% participation of eligible scholarship students in the statewide assessments. DOE must provide assessment preparation materials and must determine the number of students participating in the assessment. This premium payment must be used to cover transportation costs, test preparation costs, and other school fees that are not otherwise covered. Further, the bill provides that the SFO must expend at least 75% of the eligible contributions received during the fiscal year in which such contributions are collected and no more than 25% may be carried forward to the following fiscal year. Beginning in the 2009-2010 state fiscal year, SFOs are authorized to use up to 3% of eligible collected contributions for administrative expenses.

The bill also increases the current maximum amount of the scholarship – \$3,7500 – by providing that, beginning in the 2009-2010 state fiscal year, the State Board of Education must adjust the maximum amounts for the scholarship awards to reflect 60% of the unweighted FEFP student funding amount established in the annual appropriations act for the ensuing state fiscal year. However, the increase in the scholarship amount may not increase more than \$200 annually. The bill also provides for preservation of a taxpayer’s credit in the event provisions authorizing a tax credit are held to be unconstitutional.

Status: Favorable in Education Pre-K - 12 as a CS

SB 1670 – Early Learning by Gaetz (*Similar to HB 879 by Kelly*)

This bill is cited as the “Success for Early Learning Act.” The bill requires DOE to adopt rules establishing minimum standards for screening child care personnel and for providing notification of employee termination to child care personnel. DOE must provide technical assistance to local school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students in the development of policies, procedures, and training related to educator ethics and employment practices and to provide authorized staff from these entities with secure access to, or provide electronic verification of, information required to effectively screen employees through the Professional Practices' Database of Disciplinary Actions Against Educators, DOE's Teacher Certification Database, and DOE's Educator Employment Information Database. Private providers of the school year Pre-K program must complete ethics training that has been developed jointly by DCR, DOE, and AWI. The provider must disqualify from employment any prekindergarten instructor or administrator who has been convicted of a disqualifying offense identified under s. 435.04. Before appointing a candidate as a prekindergarten instructor or administrator, the provider must contact the candidate's previous employer to assess the candidate's ability to meet ethical standards for professional educators and document the findings. The provider may not enter into a confidentiality agreement regarding a terminated or dismissed employee or an employee who resigns in lieu of termination based in whole or in part on unethical conduct that affects the health, safety, or welfare of a student and may not provide the employee with a favorable recommendation for employment in another educational setting. AWI must prohibit a private provider that fails to comply with these provisions from accepting funds under the Voluntary Prekindergarten Program for a period of 1 calendar year. The bill authorizes a public school or a private prekindergarten provider to assign a substitute instructor to temporarily replace a credentialed instructor as long as the substitute instructor is of good moral character, has been screened in accordance with level 2 background screening requirements in s. 435.04, and meets the screening standards in that section. AWI is directed to adopt rules that include required qualifications of substitute instructors and the circumstances and time limits for which a private prekindergarten provider may assign a substitute instructor.

The bill also transfers the statewide child care resource and referral network and the duties of the Child Care Executive Partnership Program from the Department of Children and Families (DCF) to the Agency for Workforce Innovation (AWI).

Status: Favorable in Education Pre-K - 12 as a CS

SB 1906 - Alternative Credit High School Courses by Gaetz

The bill requires the Commissioner to implement a pilot project in up to three school districts beginning in the 2008-2009 school year which allows school districts to award alternative course credit for students enrolled in nationally or state-recognized industry certification programs. School districts interested in participating in the program must submit a letter of interest by July 15, 2008 identifying up to five nationally or state-recognized industry certification programs under which the district would like to award alternative credit for the eligible courses. The Commissioner must select the pilot districts by July 30, 2008. The bill provides that eligible alternative credit courses include Integrated Math 1 and 2, Algebra 1a and 1b, Algebra 1, Geometry, and Biology, provided the standards and essential concepts of these courses were included in their career coursework and the students are able to verify mastery of the core content on approved end-of-course-assessments. The bill specifies that an alternative credit course is not subject to the definition of credit under s. 1003.436, the time requirements of s. 1011.60(2), or the net hours of instruction requirements for purposes of determining full-time equivalency under the FEFP. The bill provides that each successfully completed credit earned under the alternative high school course credit requirements which is not reported as a portion of the 900 net hours of instruction shall be calculated as 1/6 FTE.

Status: Favorable in Education Pre-K – 12 Appropriations as a CS

SB 1908 - Designation of High School Grades by Gaetz

The bill provides additional criteria and student assessment data for designating school grades for high schools. Beginning with the 2009-2010 school year, half of a school's grade will be based on the existing FCAT-related factors and the other half will be based on factors that include a school's high school graduation rate, the postsecondary readiness of the students as measured by SAT, ACT or the common placement test, the high school graduation rate of at-risk students who scored at Level 2 or lower on the 8th grade FCAT Reading and Mathematics examinations, and the annual growth or decline in these components. As valid data becomes available, the criteria will also include performance and participation of students in Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, Advanced International Certificate of Education courses, and the achievement of industry certification and the performance of students on statewide standardized end-of-course assessments approved by DOE. The bill also provides that, beginning with the 2009-2010 school year the criteria for school grades for high schools must also give added weight to the graduation rate of all eligible at-risk students. The bill specifies that, beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of "A" the school must demonstrate that at-risk students in the school are making adequate progress.

Status: Favorable in Education Pre-K – 12 Appropriations

SB 1712 – Ethics in Education Act by Education Pre-K – 12

The bill establishes comprehensive changes at the state and local level regarding the screening, hiring, and termination policies for educators and the reporting procedures related to allegations of educator misconduct. The bill establishes a list of crimes or delinquent acts that would serve as an absolute bar against any individual, if convicted, from obtaining or retaining a teaching certificate or instructional employment involving direct contact with students, and requires each school district, charter school, and private schools and providers that accept scholarship students to adhere to the disqualifying offenses when employing instructional personnel.

School districts for educators, and the Department of Children and Family Services for child care personnel, would be required to adopt stringent and effective policies for screening potential employees and terminating existing employees for misconduct. The superintendent would be held responsible for communicating to the employees the expected ethical standards of the teaching profession and the procedures for reporting allegations of teacher misconduct. DOE must authorize staff of local

school districts, charter schools, the Florida School for the Deaf and the Blind, private schools, and private providers access to screen prospective employees through three employment screening tools. Ethics training is made mandatory for private providers participating in the Voluntary Prekindergarten program and such providers are also governed by the restrictions on employment and conduct for similarly situated public employers.

School districts are prohibited from entering into any form of confidentiality agreement when terminating an employee. Each school district must contact the previous employer of every candidate for employment and access the DOE certification website to determine if a teaching candidate's certificate has been sanctioned or is under investigation. The bill provides significant financial penalties and certification sanctions for non-compliance and for filing a report known to be false. Private schools and private Voluntary Prekindergarten (VPK) providers that accept students under certain educational scholarships programs, the Florida School for the Deaf and Blind, and charter schools would be held to the same standards as those required of local school districts. Private schools or VPK providers that fail to comply would be prohibited from accepting funds under these programs for the period of one calendar year and until they comply. Charter schools that fail to comply would have their charter terminated by the charter sponsor.

The membership of the Education Practices Commission is revised to include sworn law enforcement officers, parents of public school students, and an administrator of a private school. The authority of the commission is also expanded to allow for the discipline of an educator who knowingly fails to report suspected or actual child abuse or misconduct by an educator that affects the health, safety, or welfare of a student.

Finally, the bill provides that any public officer or employee convicted of certain crimes involving minors would forfeit his or her right to any state retirement benefits, except for an individual's accumulated contributions up to the time of the conviction.

Status: Favorable in Pre-K – 12 Appropriations as a CS; Placed on Calendar on 2nd Reading

HB 7039 – Teacher Lead Program Revision by Schools & Learning Council

This bill shortens the name of the program to “The Florida Teachers Lead Program.” The bill expressly prohibits expenditure of Teachers Lead funds on equipment. The Commissioner is required to disburse the Teachers Lead funds to the school districts by July 15 and the a district school board or charter school board may then distribute the funds to the classroom teachers by way of debit card, direct deposit, check, or purchasing card. Classroom teachers are required to keep receipts for classroom materials and supplies purchased with Teachers Lead funds for 4 years. The bill states that Teachers Lead funds do not affect a classroom teacher's wages, hours, or terms and conditions of employment and are therefore not subject to collective bargaining. A classroom teacher may decline receipt of, or return, the funds without explanation or cause.

Status: Filed as a Council Bill by the Schools & Learning Council

HB 7043 – Class Size Reduction Implementation by Schools & Learning Council

The bill amends the statutory provisions guiding the implementation of the constitutional Class Size Reduction Amendment. The bill sets forth methodology for districts to meet the constitutional class size requirements in the 2010-2011 school year by revising the statutory implementation schedule. The bill provides that calculation for compliance remains at the school level for FYs 2008-2009 and 2009-2010. The bill requires districts to use 100% of their class size allocation for reducing class sizes if any classroom in the district is over the constitutional maximums by *four* students in 2008-2009 and by *two* students in 2009-2010, until the constitutional maximums are met. DOE must annually calculate the number of students in each individual classroom based on the October student membership survey and annually report, by each grade grouping, those districts that are in excess of *four* students over the maximums in 2008-2009 and in excess of *two* students over the maximums in 2009-2010, to the Legislature.

The bill provides that, beginning with the October 2010 student membership survey and each year thereafter, each individual classroom must be in compliance with the constitutionally established maximums. However, the bill establishes a procedure for school districts to declare the need for a flexibility exception in meeting class size requirements. The bill provides that the flexibility exception may be justified if a school or school district experiences unexpected student enrollment growth after the student to teacher assignments have been made and the school or school district has been determined to be in compliance with the constitutional class size maximums. "Unexpected student enrollment" is defined at the district level as student enrollment in excess of the district's projections used by the Legislature in establishing the General Appropriations Act, at the kindergarten through grade 8 level as student enrollment in excess of the school's official staffing plan and capacity, and at the grades 9 through 12 level as student enrollment in excess of the school's official staffing plan and capacity or in excess of the official staffing plan and capacity for a restricted course offering such as a magnet program or a career academy.

In such circumstances, school districts must first consider and implement, as deemed practical, alternative methods in order to meet the constitutional class size maximums. However, if these alternative methods are deemed by the school board to be impractical or educationally unsound and disruptive to students, the district school board may determine that there is a need for a flexibility exception to the constitutional class size maximums. The district school board's flexibility exception determination must be made at a noticed, public meeting and is not subject to challenge under the Administrative Procedure Act. Once the school board has declared the need for a flexibility exception, the following conditions apply:

- A teacher in prekindergarten through grade 3 will not be assigned more than three students over the constitutional class size maximum of 18 students;
- A teacher in grades 4 through 8 will not be assigned more than five students over the constitutional class size maximum of 22 students;
- A teacher in grades 9 through 12 will not be assigned more than five students over the constitutional class size maximum of 25 students;
- The school district must add classrooms, add teachers, or take other action to comply with the constitutional class size maximums if the unexpected student enrollment growth results in more than three students or five students above the constitutional class size requirements;
- A school is not allowed to exceed the class average for each of the three grade groupings that is averaged at the school level for the school year;
- The flexibility exception expires at the end of the school year and the district school board is required to develop a plan that ensures each school within the district will be in compliance with the constitutional class size maximums by the next October student membership survey.

The bill replaces the transfer penalty provision for noncompliance with class size reduction with a penalty that requires DOE to reduce the school district's class size reduction operating categorical funds. The bill provides methodology for the calculation of the amount to be reduced. The bill also removes the eligibility provisions requiring school districts to meet certain requirements relating to class size reduction in order to administer the school-year VPK program.

Status: Filed as a Council Bill by the Schools & Learning Council

HB 7045 – Curriculum Reform by Schools & Learning Council

This bill requires the State Board of Education to review the *Sunshine State Standards* and replace them, by December 31, 2011, with enhanced curricular standards that are rigorous, provide increased content specificity, and establish grade-by-grade expectations of student learning for all subjects at most grade levels. The state board must also establish a schedule for the periodic review and revision of the enhanced curricular standards. The bill establishes a process for the adoption or revision of the enhanced curricular standards that includes review and comment by Florida educators, school administrators, community college and state university representatives, and leaders in business and industry. As the Sunshine State Standards are reviewed and replaced

with enhanced curricular standards, the Commissioner must revise the FCAT in accordance with these changes. The bill provides a mechanism to revise the proficiency levels or passing scores required for a standard diploma during transition to the new standards, as needed.

By August 1 of each year, the Commissioner must notify the school districts of the FCAT testing and reporting schedule for the school year following the upcoming school year. The bill prohibits the administration of FCAT Writing+ earlier than the week of March 1 and prohibits the administration of other FCAT assessments before April 15. The bill requires that student test results be reported by the week of the first Monday in June. The bill limits the Commissioner's authority to administer norm-referenced tests (NRTs) as part of the FCAT to grades 3, 7, and 9 and eliminates administration of FCAT's NRTs in grades 4, 5, 6, 8, and 10. School districts may continue to use the FCAT's grade 3 NRTs as a basis for determining whether good cause exists to promote a student who scores below Level 2 on the grade 3 FCAT Reading. The bill requires DOE to select another assessment for determining whether supplemental educational services providers increase the academic proficiency of their students served. Except in grades 3, 7, and 9, the bill causes the FCAT's NRTs to be unavailable for private schools to administer in order to satisfy the NRT-testing requirements of the Corporate Income Tax Credit Scholarship Program. The bill also requires school districts to select Comprehensive English Language Learning Assessment (CELLA) or an NRT, other than the FCAT's NRTs, for identifying LEP students or assessing their English proficiency for exiting an ESOL program.

The bill requires the Commissioner, by the 2012-2013 school year, to add social studies to the subjects tested by the FCAT and social studies must be tested at least once at the middle school level. In addition, the commissioner must establish end-of-course assessments of social studies at the high school level and to establish end-of-course assessments of other subjects in addition to any comprehensive assessment required by law for the FCAT. The end-of-course assessments must be administered within the last 2 weeks of the course. The bill requires school districts to adopt minimum proficiency levels in social studies and authorizes school districts to retain in grade a student that does not meet the proficiency level.

Beginning with the 2008-09 school year, district school boards must prohibit each public school from suspending a regular program of curricula in order to administer practice tests or engage in other test-preparation activities for a statewide assessment, except as required in State Board rules. In addition, procedures for selecting instructional materials are prohibited from making any reference to "Florida Comprehensive Assessment Test" or "FCAT." Further, school districts are prohibited from using legislative appropriations for FCAT practice tests, sample test items, or practice workbooks, materials dedicated to test-taking exercises or strategies designed exclusively for FCAT preparation, or materials that include any reference to "Florida Comprehensive Assessment Test" or "FCAT." DOE must notify publishers and manufacturers of these restrictions in the content. If the Auditor General finds that a school district purchased materials in violation of these restrictions, DOE is required to withhold funds from the next instructional materials allocation equal to the amount of the unlawful purchases. The bill also directs the district school board to discipline staff responsible for the unlawful purchases.

Finally, the bill allows a school to expend up to 10 percent of the funds it uses to purchase instructional materials not on the state-adopted list for the purchase of technology devices with digital content or online content aligned to the *Sunshine State Standards*.

Status: Filed as a Council Bill by the Schools & Learning Council

**** VIEW THIS WEEK'S FSBA VIDEO UPDATE ****

[Video Update for March 17 - 21, 2008](#)