

FSBA

BOARDER-LINE

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State Budget

The House and Senate appropriations committees – the Policy & Budget Council in the House and the Fiscal Policy & Calendar Committee in the Senate – have released their full budget proposals that will be considered on the Floor of each chamber next week. The full budgets propose to cut a record \$4 billion (Senate) to \$5 billion (House) from the current year funding levels. In effect, these budget proposals return spending to FY 2005-2006 levels. Thus far, the legislature has steadfastly refused to consider any potential new revenue sources – such as repealing some sales tax exemptions, closing sales tax loopholes, or utilizing state reserves – and have insisted that the spending cuts are responsible and necessary in response to continued revenue declines that have resulted from the state and national economic recession. However, amid signs that the state economy will continue to deteriorate, the House has proposed – and the Senate has indicated agreement – to authorize Governor Crist and the Legislative Budget Commission to use up to \$1.7 billion from reserve and trust fund balances to shore up the budget, if needed, after the regular legislative session ends. Many have speculated that this proposal has been offered to avoid the need for the legislature to return for a Special Session to cut the budget during the election season.

With respect to Pre-K - 12 appropriations, the House and Senate proposals are unusually different in both funding policies and allocation amounts. Both chambers' funding levels are well below the current year, with the House budget calling for a reduction in funding for the FEFP and categorical programs of about \$219 million (– 1.20%) and the Senate calling for a reduction of about \$298 million (– 1.63%). This results in total funds per FTE of \$7,041 (\$86 below current year) in the House proposal and \$7011 (\$116 below current year) in the Senate proposal. In comparing the House and Senate budget proposals with current year appropriations, some of the key policy and funding differences include:

- *School Recognition / District Discretionary Lottery* – Current year funding for this line item is \$259 million and provides for School Recognition awards of \$100 per FTE and School Advisory Council funding at \$10 per FTE. The House proposal allocates \$181 million and reduces the School Recognition Award amount to \$90 per FTE and funding for school advisory councils to \$5 per FTE. The Senate allocates \$258 million and reduces the School Recognition Award amount to \$80 per FTE and funding for school advisory councils to \$5 per FTE.
- *Class Size Reduction Capital Outlay Projects* – Current year funding for this line item is \$650 million. No funding is provided for this purpose in either the House or Senate budget proposals.
- *Required Local Effort Millage* – Current year millage rate is 4.843 mills. The House proposal decreases the millage rate by 0.096 mills to 4.747 mills. The Senate proposal shifts 0.200 mills for from the school district capital outlay millage to increase the required local effort millage rate to 5.043 mills.
- *Local Discretionary Millage* – Current year millage rate is 0.510 mills. The House proposal decreases this millage rate by 0.003 mills to 0.498 mills. The Senate proposal retains the current rate of 0.510 mills.

- *Merit Award Program* – Current year funding for this program is \$0.00 because the original funding of \$147,700,000 was removed during Special Session C with the intent to provide funding in the following fiscal year so that allocations and disbursements would occur in the same fiscal year. The House proposal allocates \$47,800,977 and the Senate proposal allocates \$31,867,318 with the intent that the funds be disbursed to those districts with approved programs in place.
- *Class Size Reduction Operating* – Current year funding for this line item is \$2.64 billion. The House proposal allocates \$3 billion. The Senate proposal allocates \$2.8 billion with the funding increase to be focused on Pre-K - 3 class size reduction. Both chambers have bills that alter current class size reduction policies that include delaying the implementation schedule so that compliance will continue to be calculated at the school average rather than on the individual classroom level.
- *Instructional Materials* – Current year funding for this line item is \$266 million. The House proposal allocates \$256 million. The Senate proposal allocates \$259 million. However, although the Senate proposal maintains this as a categorical, the funding is incorporated into the FEFP to increase base funding.
- *Transportation* – Current year funding for this line item is \$484 million. The House proposal allocates \$464 million. The Senate proposal allocates \$470 million. However, although the Senate proposal maintains this as a categorical, the funding is incorporated into the FEFP to increase base funding.

Many of the policy changes outlined here are set forth in several conforming bills summarized below in our “Bill Action” section. We have also prepared a spreadsheet comparing current year appropriations with the House and Senate budget proposals. (To access the spreadsheet, please click [HERE](#) or use this link: <http://www.fsba.org/userfiles/File/Budget%20Comparison1.pdf>.) The House and Senate are expected to debate and pass their budgets next week and a conference committee will be named to resolve the numerous and significant differences. Clearly, both of the budget proposals present serious concerns both in terms of funding levels and in policy decisions. We look forward to having FSBA members in Tallahassee next week to advocate for compromises that will produce the greatest possible funding for education.

Taxation and Budget Reform Commission

The TBRC has met twice since our last issue of Boarder-Line. Below is a summary and status report on proposals of interest to school boards.

CP 20 – Repeal of the Blaine Amendment

Summary: This proposal would delete a portion of Article 1, section 3 of state Constitution, commonly referred to as the Blaine Amendment, or “no aid” provision. This portion of Article 1 provides that “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.” CP 20 would also insert a new sentence in place of the Blaine provision that states that “Individuals or entities may not be barred from participating in public programs because of religion.” (Click [HERE](#) to read this proposal)

Discussion: Florida’s no-aid provision was adopted in 1868 to prohibit the state from subsidizing religious institutions, including religious schools. The constitutions of all 50 states contain provisions to ensure a separation of church and state. In addition, the constitutions of 36 other states also contain more strongly worded provisions similar to Florida’s “no-aid” provision. If this amendment were to be approved by voters, Florida would become the first state in the nation to repeal its “no-aid” provision. This would erase the constitutional underpinning of the opinion by First District Court of Appeals in the *Bush v. Holmes* Opportunity Scholarship litigation declaring Opportunity Scholarships unconstitutional. The result is likely to be the large scale redirection of state funds from public education to private and religious schools.

Status: The proposal passed the full Commission on a vote of 17-7. This proposal is now being reviewed by the TBRC Style and Drafting Committee before returning to the full Commission for final consideration and vote as to whether it will be placed on the November ballot.

CP 26 – 65% of Funding for Classroom Instruction

Summary: This proposal would require that sixty-five percent of school funding received by school districts is spent on classroom instruction, rather than administration. The proposal directs the Legislature to define “classroom instruction” and “administration” in statute, and to address the differences in administrative expenditures by district for transportation and food services, and any other necessary services.

Discussion: “The 65% Solution” is the popular name given to a nationwide initiative instigated several years ago by a group calling itself *First Class Education*. The group and its website have been inactive for quite a while. This proposal resurrects this defunct initiative by suggesting that too much is being spent on administration, and not enough on classroom instruction. However, according to the National Center for Education Statistics – the research and statistical arm of the U. S. Dept of Education – Florida currently spends more than 65% of funds on the NCES definition of “classroom instruction”. In addition, Florida is well below the national average in spending for Administration. Florida has been able to achieve these goals despite the fact that Florida ranks 32nd in Average Teacher Salary – \$6,000 below the national average – and ranks 39th in Per Pupil Spending – \$1,500 below the national average. While it is true that there are a few districts within the state that do not meet the 65% expenditure threshold, these variations from the state average are easily explainable. More important, in most cases, those districts that do not meet the 65% threshold also have very high student academic achievement levels and, therefore, appear to be directing their available funding very efficiently. In short, the “65% Solution” provides a solution to a problem that does not exist in Florida.

Status: The proposal was temporarily postponed at the last meeting of the TBRC. Presumably it will be scheduled for consideration at the next meeting on April 14.

CP 30 – Class Size Limits

Summary: This proposal provides flexibility in compliance with class size requirements by making the class size limitations applicable to school averages for each grade grouping. The proposal would limit that flexibility by requiring that the maximum number of students assigned to any one teacher could not exceed the established constitutional caps by more than five students but the **average** of the class sizes for each grade grouping at the school still must not exceed the established class size cap. (Click [HERE](#) to read this proposal)

Discussion: Class size reduction is a sound education policy. In brief, research clearly demonstrates that, with smaller classes students make more rapid educational progress and are better behaved. In addition, learning gaps are significantly narrowed and achievement gains persist well after students move on to larger class sizes. However, as the implementation of class size requirements has proceeded, educators have grown increasingly concerned about the negative consequences of the inherent inflexibility of the hard class size caps. Allowing compliance to be determined based on the school site average class size for each grade grouping with the proviso that no class size will exceed the cap by more than five students will prevent most of the negative implementation consequences, yet preserve the commitment to ensuring appropriate class size. This proposal DOES NOT increase all class sizes over the established caps. Rather, the proposal would allow **some** classes sizes in each grade grouping to exceed the constitutional cap but would also require that some of the class sizes in each grade grouping must be below the constitutional caps in order for the AVERAGE of the class sizes for each grouping to be maintained at the constitutional cap.

Status: On March 17, the proposal failed on a vote of 14-11. A successful motion for reconsideration placed the proposal on the March 26 agenda for reconsideration. On March 26, the Commission postponed action on the proposal. It is unclear whether the proposal is eligible for any further consideration.

CP 40 – Public Funding for All Providers

Summary: 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)

Discussion: This proposal would undermine constitutional provisions that support public education and that have served as the basis for court rulings against voucher programs. The proposal 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 would effectively reverse the rulings First District Court of Appeal and 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.

Status: This proposal failed on a vote of 16 to 9.

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)

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.

Status: The proposal was temporarily postponed and scheduled for further consideration on April 14. Proponents and opponents of the proposal will be given 30 minutes each to present their views on the issue prior to any Commission action.

Bill Action This Week

HB 489 – Employee Leave/Victims of Sexual Violence by Jenne (*Identical to SB 994 by Fasano*)

This bill expands current provisions relating to employee leave in cases of domestic violence to require employers to allow an employee to request and take up to 3-working days of leave, if the employee, or a member of the employee’s family or household, is the victim of domestic violence or sexual violence and the leave is sought to seek an injunction for protection, to obtain medical care, victim services, legal assistance, or safe housing.

Status: Favorable in Jobs & Entrepreneurship (*SB 994 Favorable in Governmental Operations*)

SB 526 – Interscholastic Extracurricular Activities by Wise (*Identical to HB 1481 by Bean*)

The bill is cited as “Erin’s Law.” The bill permits a student enrolled in a private school to participate in interscholastic sports at a public school if the student’s school does not provide the sport. The student may participate in interscholastic sports at a public school to which the student would normally be assigned or could choose under controlled open enrollment policies. Additionally, a student enrolled in a public school without a sport may participate in the sport at another public school in his or her school attendance area. To participate, the student must meet certain conditions, including requirements for standards of conduct and student academic performance similar to the existing requirements for home schooled and charter school students. Private school students must also meet residency requirements and a private school must provide to the public school an affidavit stating that it does not offer the sport in which the student would participate and did not offer it during the prior academic year. A student must register with the public school prior to the start of the season and must be able to participate in curricular activities if required for interscholastic sports. The bill provides that the student is ineligible to participate if he or she fails to meet the required academic standards. A student who transfers from a private school program to a public school or from one public school to another before or during the first grading period of the school year is academically eligible to participate during the first grading period if he or she meet the requirements specified in the bill during the previous school year.

Status: Passed the Senate; In Messages to the House (*HB 1481 favorable in Schools & Learning as a CS*)

HB 623 – School Food Service Programs by Kendrick (*Similar 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. Each school district is directed to annually set prices for breakfast meals which cover the costs of the breakfast meals, except if the district school board sets lower prices. Each school district is also required to annually provide

students and parents with information about the district's School Breakfast Program. To the maximum extent practicable, school districts must serve breakfast at alternative sites, using models such as "Grab 'n' Go Breakfast" and, beginning with the 2009-2010 school year, a school must make a "Grab 'n' Go Breakfast" available for a student who arrives at school on the school bus less than 15 minutes before the first bell rings. The bill encourages school districts to provide universal-free school breakfast in all schools and requires district school boards, by the beginning of the 2010-2011 school year, to consider a policy for providing universal-free school breakfast for all students in schools in which 80 percent or more of the students are eligible for free or reduced-price meals. By January 15, 2009, OPPAGA must issue a report that estimates the implementation costs of universal-free school breakfast, examines school meal prices and 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, assesses the methodology used for allocating state funds to school district food service programs, and evaluates the state's organizational structure for implementation of the National School Lunch Program, federal School Breakfast Program, and federal Summer Food Service Program.

Status: Placed on Calendar on 2nd Reading (*HB 1458 favorable in Education Pre-K-12 as a CS*)

SB 642 – Multiple Birth Siblings by Siplin (*Identical to HB 185 by Heller*)

The bill provides for parents to request the placement of multiple birth siblings in the same or separate classrooms in the same grade level. A school must grant the parent's request unless the student's performance indicates otherwise or if it would require the district to add another class to the students' grade level. The bill provides for a principal to change the student's placement if his or her behavior is disruptive to the school. A parent may appeal the principal's decision. The bill specifies that these provisions do not apply to the rights or obligations of students with disabilities or the removal of students pursuant to disciplinary policies.

Status: Favorable in Education Pre-K - 12 (*HB 185 Placed on Calendar on 2nd Reading*)

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. 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. Districts are encouraged to provide support for the use of service-learning as an instructional strategy, 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 Schools & Learning

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

The bill creates the "Jeffrey Johnston Stand Up for All Students Act." The bill prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity, during a school-related or school-sponsored program or activity, on a public K-12 school bus, or through a public K-12 computer, computer system, or computer network. By October 1, 2008, DOE must adopt a model policy prohibiting bullying and harassment. By December 1, 2008, each school district is required to adopt a bullying and harassment policy in substantial conformity with DOE's model policy. The policy must be published in district codes of student conduct and employee handbooks and must be integrated with a school's curriculum, discipline policies, and violence prevention efforts. For the 2009-2010 school year, a school district's Safe Schools

funding is contingent upon DOE's approval of the district's policy. Beginning with the 2010-2011 school year, a school district's Safe Schools funding is contingent upon the district's compliance with requirements for submitting reports of bullying and harassment to DOE as part of the district's reports of safety and discipline data. The Commissioner of Education is required to submit an annual report to the Governor and Legislature which includes data on the district reports of bullying and harassment. The bill provides limited civil immunity for a school employee, volunteer, student, or parent who reports bullying or harassment in good faith. The bill also includes a "severability clause" which provides that if a provision of the bill is found to be invalid, the validity of the bill's remaining provisions are not affected.

Status: Favorable in Schools & Learning

HB 817 – Public School Attendance by McBurney *(Similar to SB 2424 by Wise)*

The bill creates the Student Preparedness Pilot Program, beginning with the 2008-2009 school year, and continuing through 2014-2015, that focuses on students who are 16, but have not reached the age of 18 who choose to exercise their option to not regularly attend school. These students must choose to either continue towards and earn a high school diploma, earn a high school equivalency diploma and earn a bronze level or higher Florida Ready to Work Credential, participate in a career or job training program and earn an industry certification or skill licensure, or participate in the Ready to Work Certification Program and earn a credential. During the 2008-2009 school year, each school district selected for the pilot must review, identify, and develop curricula options for implementation of the pilot program in the 2009-2010 school year. DOE is required to develop an application process and the State Board of Education is required to select the pilot program districts, one of which must be the Duval County School District. The bill requires OPPAGA to conduct an annual study on the impact of the pilot program on dropout and graduation rates, the employability of students, and juvenile crime. The results of the study must be available January 1, 2012.

Status: Placed on Calendar on 2nd Reading

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

The bill requires students entering grade 9 in the 2008-2009 school year to earn a Florida Ready to Work 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 adds a new student eligibility requirement to the Florida Gold Seal Vocational Scholars award by specifying that, beginning in the 2008-2009 school year, a student must earn a gold level Florida Ready to Work Credential for receipt of a Gold Seal award. The bill provides for bronze, silver, and gold levels of the credential and establishes the minimum score needed to attain each credential level. In order to achieve a gold level credential, a student must score a minimum of 5 or above on the Reading for Information, Applied Mathematics, and Locating Information assessments, or on assessments of comparable rigor.

Status: Placed on Calendar on 2nd Reading

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: Placed on Calendar on 2nd Reading

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

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: Placed on Calendar on 2nd Reading

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 in cooperation with the U.S. Department of Defense to enable members states to address the educational transition issues faced by military families in the areas of school eligibility and placement, enrollment, school record transfers, and graduation for the children of relocated military families. The compact takes effect when it is adopted by ten states. As of March 2008, 19 states have introduced, but not yet enacted, legislation to adopt it. This bill specifies that, when the compact takes effect, an Interstate Commission on Military Children, consisting of one voting representative from each member state, will be established. The Commission will oversee the compact's administration and operation and will adopt rules to achieve the compact's purposes. The Governor will be required to designate a Compact Commissioner and a Military Family Education Liaison to assist military families and the state in implementing the compact. In addition, a state council will be established to provide advice and recommendations regarding the state's participation in and compliance with the compact. The council's membership will include five voting members, including the Commissioner of Education, the superintendent for the district with the highest percentage per capita of military children, two appointees by the Commissioner of Education, and one legislative appointee. It will also include the Compact Commissioner and the Military Family Education Liaison, who will serve as ex officio, nonvoting members. The bill provides that its effective date shall be July 1, 2008, or upon the enactment of the compact into law by nine other states, whichever date occurs later. Additionally, the bill specifies that its provisions are repealed two years after its effective date unless the Legislature acts to save it from repeal. The purpose of the repeal is to allow the Legislature to review the compact after adoption of rules by the Interstate Commission.

Status: Placed on Calendar on 2nd Reading *(SB 2546 favorable in Education Pre-K-12 as a CS)*

HB 1313 - Students with Disabilities by Precourt *(Similar to SB 2700 by Wise)*

The bill replaces several terms used throughout the Florida K-20 Education Code which have been superseded in common usage within the field of special education. The bill also deletes a provision authorizing district school boards to adopt rules concerning the admission of eligible children 3 years of age or older to special education programs and related services and transfers that authorization to the State Board of Education.

Status: Favorable in Schools & Learning as CS

SB 1440 – Corporate Income Tax Scholarship 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 Finance & Tax as amended (*HB 653 Placed on Calendar on 2nd Reading*)

SB 1652 – Charter Schools by Education Pre-K-12 (*Similar to HB 1259 by Flores*)

The bill requires for both charter schools 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 provides that the number of students eligible for funding in a charter school is no more than the number of students provided for in the class size caps in law. Charter schools will not be funded for students who exceed these caps.

The bill provides reporting requirements for the DOE and each charter school that does not receive a school grade or a school improvement rating to the extent that the information does not compromise a student's privacy. 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 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 bill provides a district school board that is granted the exclusive authority to authorize charter schools in the district retains this status unless it fails to meet the requirements in s. 1002.335, F.S. and would not be required to annually re-submit a written resolution to the State Board of Education. Charter schools authorized in the district within the last four years may challenge a school board's exclusivity status in an informal proceeding.

Status: Passed the Senate; In Messages to the House (*HB 1259 favorable in Schools & Learning as a CS*)

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: Passed the Senate; In Messages to the House

SB 1746 – Public School Funding by Wise

The bill conforms applicable statutes to proposed appropriations for the 2008-2009 fiscal year. The bill:

- Caps at double funding (.16 FTE) the additional full-time equivalent student membership provided for International Baccalaureate Examinations, Advanced International Certificate of Education Examinations, and College Board Advanced Placement Examinations;
- Deletes the bonus .088 FTE provided for high school level algebra courses completed in grades 6 through 8;
- Limits additional funding of .114 FTE for credit and FTE earned by the Florida Virtual School to core-curricula courses;

- Refines the student performance requirement for the .30 FTE funding bonus provided for completing industry-certified career and professional academy programs to the highest level of industry certification and a high school diploma, limits the bonus to one per student, and caps the annual appropriation at \$15 million;
- Includes the categorical funds provided for instructional materials and student transportation in the funds that comprise the school districts' total FEFP entitlement for purposes of the 90% adjustment of the Required Local Effort;
- Designates that the taxable value for school purposes certified by the Department of Revenue that is used in the fourth calculation which contains the annualized full-time student membership from the February student survey shall be the final taxable value used in the final calculation of the FEFP each fiscal year;
- Provides school districts with limited flexibility to use research-base reading instruction and instructional materials categorical allocations for classroom instruction if needed and certain standards are met during the 2008-2009 school year;
- Designates which funds are included in the total allocation of state funds to each school for current operations;
- Shifts 0.2 mill from the 2 mill capital outlay millage to required local effort to be used for current operations;
- Modifies the multiple funding incentives for the excellent teaching program in an effort to preserve sufficient funds to pay the 10% bonuses for teachers who hold National Board of Professional Teaching Standards certification. The bill discontinues the incentives for the payment of 90% of the application fee for NBPTS certification, the \$150 payment for portfolio preparation, and payment of the Florida Retirement System contribution for those teachers who qualify for NBPTS certification and receive bonus amounts. In addition, the bill provides that the annual bonus equal to 10% of the prior year statewide average salary for classroom teachers, for each teacher with NBPTS certification is provided for up to one ten year period and provides that if funds are insufficient to pay in full the annual bonuses for certification, payment of the bonuses shall be prorated among the eligible recipients. This bill does not make any changes relating to mentoring, but current law provides for prorating mentoring payments if funds are insufficient for full payment for both certification and mentoring.

SB 1752 – Virtual Instruction Programs by Wise *(Similar to HB 7067 by Schools & Learning)*

The bill provides that, beginning with the 2009-2010 school year, each school district in the state may offer courses by virtual instruction. An eligible student must be a full-time student in the school district based on the student's enrollment in virtual courses or a combination of virtual courses and standard district courses. The purpose of the program is to make academic instruction available to full-time school district students who use online and distance learning technology. Each school district may implement its program through approved district-operated programs or programs by contracted providers approved by DOE. School districts may participate in multi-district contractual arrangements to provide such programs. The bill establishes district and provider qualifications, instruction requirements, enrollment capacities, student eligibility and participation requirements, and assessment and accountability standards. The bill also authorizes districts to receive funding under the FEFP for eligible School District Virtual Instruction Programs.

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

SB 1756 – Class Size Reduction by Wise *(Similar to HB 7043 by Schools & Learning)*

The bill revises the class size reduction implementation schedule and amends the methodology by which class size compliance is calculated for fiscal year 2008-2009 through 2010-2011. The bill continues the school level average standard for compliance with the class size requirement for the 2008-09 school year. The bill maintains the class size requirement at the classroom level for compliance in the 2009-2010 school year and each year thereafter, except that in the 2009-2010 school year, a classroom may exceed the maximum by 2 students. The bill also maintains the school level average for the accountability requirement for noncompliance in the 2008-2009 school year. Beginning in the 2009-2010 school year, the accountability requirement for non-compliance

is changed from the school level average to the classroom maximum. If the number of students in a classroom exceeds two greater than the classroom maximum in 2009-2010, the district's per FTE Class Size Reduction Allocation will be reduced for each student greater than two above the maximum in each classroom. In 2010-2011 and subsequent years, the district's per FTE Class Size Reduction Allocation will be reduce for each student in each classroom over the constitutional caps. The amount of the reduction shall be placed in reserve by the Office of the Governor and shall revert to the General Revenue Fund at the end of the fiscal year. The bill also removes the class size restriction for noncompliant school districts to offer school year voluntary prekindergarten education.

Status: Placed on Calendar on 2nd Reading

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 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: Passed the Senate; In Messages to the House

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: Passed the Senate; In Messages to the House

SJR 2308 – Commissioner & State Board by Carlton (Similar to HB 7025 by Pickens)

This bill proposes constitutional amendments that would restore education governance to its 1998 structure by reinstating the Commissioner of Education as an statewide elected position that serves as a member of the Florida Cabinet. The bill would also replace the currently appointed State Board of Education with the elected members of the cabinet. The proposal would retain the Board of Governors (BOG) but with duties limited to administering the State University System, rather

than attempting to govern individual universities. In addition, the membership and term of office on the BOG would be revised from 14 members serving 7-year terms, to 5 members serving 4-year terms. The proposal would retain the authority of the university boards of trustees to administer their universities, but members of the board of trustees would be appointed by the Governor only. The bill also establishes the Florida College System (FCS) for 2-year and 4-year public postsecondary institutions that grant undergraduate degrees and establishes the Florida College Board to oversee and coordinate the FCS.

Status: Passed the Senate; In Messages to the House

SB 2692 – Chemical and Biological Evolution by Storms *(Similar to HB 1483 by Hays)*

The bill creates the "Evolution Academic Freedom Act." The bill provides that every public school teacher shall have the affirmative right and freedom to objectively present scientific information relevant to the full range of scientific views regarding evolution and may not be disciplined, denied tenure, terminated, or otherwise discriminated against for objectively presenting scientific information relevant to the full range of scientific views regarding evolution. Students shall not be penalized for subscribing to a particular position or view regarding biological or chemical evolution. The bill does not require or encourage any change in the state curriculum standards for the K- 12 public school system or promote any religious doctrine, promote discrimination for or against a particular set of religious beliefs, or promote discrimination for or against religion or nonreligion.

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

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