

January 21, 2012

MEMORANDUM

TO: District School Superintendent
FROM: Joy Frank
RE: Legislative Update – Week 2

General Information

The House PreK-12 Education Appropriations Subcommittee met early in the week and primarily discussed the recent audit of the Office of Early Learning. The committee also released, but did not discuss, issues that may be included in the budget conforming bill. These include:

Class Size Reduction - Reduce penalty calculation.

Adjust waiver date for districts that are above their three-fourths limit for Certificates of Participation (lease-purchase agreements)

School Readiness

- Funding Formula is referenced in statute, but is not defined in statute like FEFP
 - Standardized sliding fee schedule for parents
 - Limit amounts for Administration, Quality, and Non-Direct Services and Quality
 - Adjust distribution for equity
 - Set statewide reimbursement rates, adjusted for each county DCD index, for each age group and provider type.
 - Prioritize birth to five eligible population
- Create administrative efficiencies by ensuring coalitions are serving enough children for maximum program participation and gain economies of scale.

Voluntary PreK

- Clarify a date certain for reporting of VPK FTE.

Clarify language for public broadcasting funds to only be used for TV stations.

Later in the week, Speaker Cannon released budget allocations for the House and education funding was a priority.

Excerpts from his memorandum:

We have endeavored to prioritize the most essential functions of state government. I want to specifically draw your attention to public school funding. Enrollment in our public schools has increased while local school revenues have sharply decreased. These two factors alone create a shortfall of nearly half a billion dollars.

Our analysis and prioritization with respect to K-12 education funding mirror those of Governor Scott. We have funded K-12 with an allocation exceeding \$1 billion in new state funding to the Florida Education Finance Program. This addresses all of the shortfalls in K-12 education and also provides an increase in per student funding of 2.27 percent.

The House allocations reflect the following strategies and principles:

1. The House budget will prioritize the delivery of services to people (education, health care, and public safety) over the purchase of things (transportation, general government, and the environment).
2. The House budget will prioritize critical needs and develop realistic, achievable options to balance our budget. The subcommittee chairs are encouraged to consider new cost-savings strategies, but they should not budget savings from programmatic changes unless there is certainty those savings can be achieved.
3. The House budget will not raise taxes or fees. In the area of higher education, adjustments to tuition or fees are permitted only when participation in the underlying program is voluntary, and the fees reflect a sharing of the actual cost of the program. In order to foster economic recovery, the House includes an allocation to the Finance & Tax Committee for tax relief.
- 4. The House budget will prioritize K-12 education. This subcommittee will receive the greatest percentage of the General Revenue allocation as well as the greatest increase in funding.**
5. The House budget will not adopt strategies to control Medicaid spending that result in cost shifts toward the other aspects of our state-funded health care infrastructure, including driving uncompensated care into our public hospitals and emergency departments. The House will continue to work toward a simplified hospital funding model, consistent with the Florida Medicaid reform enacted into law last year, recognizing that this effort will require more time-consuming, meticulous work and the investment of stakeholders.
6. The House budget will not revise adult sentencing policies, change inmate release schedules, or take any action that jeopardizes the long-term safety of the public to save money in the current fiscal year.
7. The House budget will provide sufficient reserves to weather fiscal forecast fluctuations and preserve our bond ratings. Unallocated General Revenue, the Budget Stabilization Fund, and the Lawton Chiles Endowment should provide a total budget reserve that exceeds \$2.46 billion.

House Allocations

PreK-12	Recurring	Nonrecurring	Total
GR Appropriations	9,581.9	4.2	9,586.1
Ed. Enhancement TF	285.0	41.4	326.4
FY 2011-12 Funding Needs		10.3	10.3
TOTAL			9,922.8

The House will probably release an initial budget draft in the various committees next week.

The Senate has not released budget allocations, but budget deliberations are expected next week. Most of the discussion in the Senate PreK-12 Education Appropriations Subcommittee focused on agency presentations and the cost/implementation of digital instructional materials.

Neither the House or Senate Education substantive committees met this week. However, several education bills were considered in other committees. These are summarized below.

Senate

SB 102 by Senator Siplin relates to Employment Practices. The bill prohibits an employer from using a job applicant's personal credit history as a criterion for hiring, except under certain conditions listed in the bill. The bill also amends statutory provisions relating to the use of credit reports in setting/charging rates for insurance premiums.

The bill was substantially amended and passed favorably as a committee substitute from the Senate Committee on Commerce and Tourism.

SB 344 by Senator Montford relates to Public School Buses. Under the bill, commercial advertisements would be permitted to be placed on the exterior of a school bus, according to district school board policies that delineate the content, placement, number, and cost of advertisements. Any bus in non-compliance with these requirements must be withdrawn from use until compliance is met.

Advertising revenue would be allocated as follows: 50 percent for school district transportation, 25 percent for school district-determined programs and 25 percent for the school district foundation to create an endowment that provides income from interest that is matched by corporations or individuals.

The bill passed the Senate Transportation Committee with no amendments. The bill had previously passed the Senate PreK-12 Education Committee.

SB 492 b Senator Braynon relates to Education Law Repeals. The bill repeals the requirement for a district school board to offer any sport or athletic activity for which a Florida College System (FCS) institution or state university provides scholarships, if the district school board offers a similar sport. The bill repeals a similar requirement that an FCS institution must offer any sport or athletic activity for which a state university provides scholarships, where a similar sport or athletic activity is offered by the FCS institution. The bill also repeals two related provisions (the authority to offer an alternative sport or athletic activity if participation is minimal and the authority to simultaneously offer two similar athletic activities or sports).

The bill passed the Senate Higher Education Committee favorably as a committee substitute. The bill had previously passed the Senate PreK-12 Education Committee.

House

HB 629 by Rep. Hooper relates to Public Records/Agency Personnel Information/Dates of Birth, etc. Current law provides public record exemptions for identification and location information of certain public employees and their spouses and children. Examples of protected information include:

- Home addresses and telephone numbers of the public employees;
- Home addresses, telephone numbers, and places of employment of spouses and children of the public employees; and

- Names and locations of schools and day care facilities attended by children of the public employees.

The bill expands the public record exemptions for such public employees to include the dates of birth of the public employees and of their spouses and children. The bill also creates a definition for “telephone numbers” and specifies that the information of sworn and civilian law enforcement personnel and their spouses and children is exempt from public record requirements. The bill specifies that the exemptions apply retroactively.

The bill has passed through the committee process favorably and is now on the House Calendar.

HB 785 by Rep. Wood relates to Term Limits/County Officers. HJR 785 proposes an amendment to s. 1, Art. VIII of the State Constitution to authorize the imposition of term limits on constitutional county officers and county commissioners when provided for by county charter. This joint resolution provides that the amendment will be submitted to the Florida voters for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose. Specifically, the amendment would add language to s. 1(d), Art. VIII, which provides that a county charter may subject any county constitutional officer to term limits. The amendment also adds language to s. 1(e), Art. VIII, which provides that a county charter may impose term limits on county commissioners.

On December 12, 2011, the Florida Supreme Court agreed to hear an appeal from a Fourth District Court of Appeal ruling regarding the constitutionality of county charter term limits for county commissioners. Twenty of Florida’s 67 counties operate under a charter, and 10 of these charters currently contain term limitations.

According to the bill analysis twenty of Florida’s 67 counties currently operate under a charter: Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Miami-Dade, Duval, Hillsborough, Lee, Leon, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia and Wakulla. Ten of these charters contain term limitations - Brevard, Broward, Clay, Duval, Hillsborough, Orange, Palm Beach, Polk, Sarasota and Volusia counties.

The provisions for the election/appointment of superintendents and school board members are contained in Article IX of the Florida Constitution. Therefore, this proposed constitutional amendment should not affect these offices. The only elected superintendent that could possibly be impacted is Clay.

The bill passed the House Community and Military Affairs Committee favorably and is now in the House Economic Affairs Committee.

HB 1115 by Rep. Brandes relates to Teacher Protection. Public school classroom teachers are occasionally named as defendants in civil lawsuits as a result of in-school disciplinary issues. The bill allows a teacher to request that the Office of the Attorney General (OAG) represent the teacher in a civil lawsuit arising out of disciplinary issues. The OAG must represent the teacher unless the teacher has been subjected to disciplinary proceedings for the same act by the employing school district or the Education Practices Commission.

The bill also modifies the definition of "employee organization" within the labor organizations statute to exclude professional teacher associations that do not register as collective bargaining organizations.

The bill passed the House Civil Justice Subcommittee favorably as a committee substitute.

Next Week – Week of January 23, 2012

You received an email from Bill Montford regarding the ranking of school districts. It is reproduced below along with the information released by DOE regarding the press availability on Monday.

Monday, January 23, Commissioner Robinson, in conjunction with the Governor’s Office, will release a ranking of Florida school districts based solely on FCAT scores and will publicly recognize the top 10 districts on that list. It is my understanding that the Commissioner contacted the superintendents on that list to inform them of the upcoming press release.

I met with the Governor today in regard to the release of the district rankings and was assured that the press release will be positive and will focus on the top 10 districts; however DOE will provide a website link to the full ranking (#1-67).

FADSS Board of Directors discussed this issue by conference call at 2:30 p.m. today. The consensus of the group was to approach this from a positive perspective and reiterate the need for all stakeholders to work together to improve low performing districts and recognize the various factors impacting student progress.

A Media Advisory was issued this afternoon by the Department of Education indicating a media conference call will be held on January 23 at 10:00 a.m. regarding district rankings.

MEDIA ADVISORY

Department of Education to Hold Media Conference Call on District Rankings

Tallahassee, Fla. – On Monday, Jan. 23, 2012, the Florida Department of Education will hold a media conference call on District Rankings.

WHAT: Media Conference Call

WHEN: January 23, 2012
10:00 a.m.

CALL- IN NUMBER: (866) 372-5781

CONFERENCE ID: 45761665

State Board of Education

The State Board of Education is holding a workshop on Monday, January 23, 2012 in Tallahassee at the Cabinet room – Room LL03, Capitol Building at 2:00 p.m. The purpose of the workshop is to discuss revisions for school grades. Superintendent Alexis Tibbetts will represent superintendents at the meeting. On Tuesday, January 24, the State Board of Education will meet at 9:00 a.m. in the same location. Superintendent Ronald Blocker will provide a general update for the SBE.

Senate

Next week, Senate Committees will take up several education bills that have not been heard. The bills that have been noticed are listed below.

The Senate Education PreK-12 Committee will take up the following bills on Tuesday afternoon.

SB 756 by Senator Wise relates to Career Education. Revises the general requirements for middle grades promotion to require that a course in career and education planning explore Florida's Career Clusters; providing requirements for a career technical high school diploma; requiring a student and the student's parent or guardian to agree in writing to the requirements of the career diploma track; requiring an intensive reading course or remediation in mathematics for a student who does not meet certain academic standards; providing that a career technical high school diploma is a standard high school diploma for purposes of federal and state accountability requirements,

SB 1314 by Senator Gaetz relates to Career-themes Courses. Revises provisions relating to the Florida Career and Professional Education Act; requiring that each district school board, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, develop a strategic 3-year plan addressing and meeting local and regional workforce demands; requiring that students who complete career-themed courses receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the career-themed course credits can be articulated to a postsecondary institution; revising provisions relating to the computation of the annual allocation of funds to each school district for operation, etc.

SB 1366 by Senator Gaetz relates to Education. Requires that the Department of Economic Opportunity prepare, or contract with an entity to prepare, an economic security report of employment and earning outcomes for degrees earned at a state university; requiring that the Department of Economic Opportunity, in coordination with Workforce Florida, Inc., recruit students who meet specified requirements and match them to potential employers; requiring that the Department of Economic Opportunity refer secondary school students who have been identified as having earned an industry certification in science, technology, engineering, or mathematics to an online registration website or a private placement service that links the student to information, resources, and employment opportunities, etc.

SB 1718 by Senator Benacquisto relates to Parent Empowerment in Education. Provides the right of parents of public school students who are assigned to certain underperforming schools to direct the school district to implement a specified option for school improvement; creating the Parent Empowerment Act; providing criteria for a petition by parents requesting a specified school improvement option to be submitted to the State Board of Education for approval; requiring that a school district submit to the State Board of Education a plan implementing the school improvement option selected by parents in lieu of the school district school improvement option, etc.

SB 1886 by Senator Wise relates to Zero Tolerance for Crime and Victimization in Schools. Requiring that each district school board adopt a policy for reporting to a law enforcement agency acts that pose a serious threat to school safety; requiring that acts that do not pose a serious threat to school safety be handled within the school's disciplinary system; requiring that a child accused of a misdemeanor offense

not be arrested and formally processed in the juvenile justice system; requiring that minor incidents be diverted from the juvenile justice system or handled within the school system's disciplinary system, etc.

Other Bills of Interest before Non-Education Committees

SB 314 by Senator Simmons relates to Ad Valorem Taxation. Proposes amendments to the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property, authorize the Legislature to adjust the amount of the exemption, provide that the additional exemption is to be reduced by the difference between the just value and the assessed value, delay a future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates, etc.

SB 606 by Senator Montford relates to Youth Athletes. Requires that an independent sanctioning authority for youth athletic teams and the Florida High School Athletic Association adopt guidelines, bylaws, and policies relating to the nature and risk of exertional heat stroke and heat-related injury in youth athletes; requiring that a parent or guardian of a youth who participates in an athletic competition or who is a candidate for an athletic team sign and return an informed-consent form before the youth athlete participates in an athletic competition or engages in any practice, tryout, workout, or other physical activity; requiring that any youth athlete who is suspected of suffering from an exertional heat stroke or heat-related injury during a practice or competition be removed from the practice or competition, etc.

SB 794 by Senator Hays relates to Public Contracting. Prohibiting a governmental unit that contracts for the construction, repair, remodeling, or improving of a facility from imposing conditions that requires, prohibits, encourages, or discourages certain bidders, contractors, or subcontractors from entering into or adhering to agreements with a collective bargaining organization; prohibiting a governmental unit from granting certain awards as a condition of certain contracts; prohibiting certain terms from being placed in bid specifications, project agreements, or other controlling documents; revising the period during which an agency must file a protest following certain contract solicitations or awards, etc.

SB 842 by Senator Bennett relates to Growth Management. Repeals provisions relating to the powers and duties of the Secretary of Community Affairs and functions of the Department of Community Affairs with respect to federal grant-in-aid programs; replacing references to the Department of Community Affairs with state land planning agency; repealing provisions relating to the Urban Infill and Redevelopment Assistance Grant Program; deleting provisions relating to the Coastal Resources Interagency Management Committee; deleting provisions excluding a municipality that is not a signatory to a certain interlocal agreement from participating in a school concurrency system; replacing references to the Department of Community Affairs with the Department of Economic Opportunity; deleting requirements for interlocal agreements relating to public education facilities, etc.

House

Next week, the bills that have been noticed as of today relating to education are listed below.

The following six bills will be heard by the House K-20 Innovation Subcommittee on Tuesday morning.

KINS1 by the House K-20 Innovation Subcommittee relates to Digital Learning. The bill expands digital learning options for students in public schools, allows students eligible to enter kindergarten through grade 5 to participate in Florida Virtual School Full Time (FLVS FT), full-time district virtual instruction programs, and full-time virtual charter schools. The bill also authorizes FLVS FT students to participate in interscholastic extracurricular activities.

The bill authorizes FLVS to expand part-time instruction to kindergarten through grade 3. The bill also expands part-time offerings for grades 4 and 5 by removing the limitation which restricts students to taking grades 6 through 8 courses. The bill authorizes FLVS FT students to participate in interscholastic extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies. This provision is similar to current law that authorizes eligible home school, private school, and charter school students to participate in public school interscholastic extracurricular activities who meet specified academic standards and eligibility requirements.

The bill also requires FLVS to provide exceptional student education services and the English for Speakers of other Languages program to its eligible students and authorizes FLVS to receive funding for providing such services and programs.

A school district ineligible for the sparsity supplement must provide at least three options for part-time and full-time virtual instruction. The bill clarifies that the eligibility for the sparsity supplement is prior to any wealth adjustment. This would increase the number of districts eligible for the sparsity supplement, thereby reducing the number of districts that must provide at least three options.

The bill removes the student eligibility requirement for courses delivered in the traditional school setting thereby allowing school districts to offer virtual and blended courses delivered in the traditional school setting to its students who may have been unable to take such courses due to the eligibility criteria. The bill clarifies that the funding and performance accountability requirements for blended learning courses offered by school districts are the same as those for traditional courses.

The bill clarifies the online course requirements for high school graduation.

Part-time district virtual instruction is expanded to students enrolled in kindergarten through grade 8.

A copy of the bill is attached.

KINS2 by House K-20 Innovation Subcommittee relates to Acceleration Options in Public Education. The bill amends various provisions of the law related to acceleration options in public education and establishes Academically Challenging Curriculum to Enhance Learning (ACCEL) options and an opportunity for students to graduate early from high school. More specifically, the bill:

ACCEL Options: Establishes ACCEL options as educational options that provide academically challenging curriculum or accelerated instruction to eligible students in kindergarten through grade 12; requires principals and school districts to establish eligibility requirements for ACCEL options and a process for a parent to request student participation in an ACCEL option; and requires a school district's student progression plan to include information about ACCEL options, early and accelerated graduation options, and dual enrollment courses included in the dual enrollment articulation agreement.

Early Graduation: Provides a student the option to graduate from high school early once a student has completed at least 24 credits and met the standard graduation requirements; authorizes eligible students who graduate from high school midyear to receive a Bright Futures Scholarship award during the spring term; authorizes school districts to receive funding for unpaid credits delivered to students who graduate at least one semester early; defines unpaid credits as credits earned by the student in excess of six credits per year, e.g., credit earned by passing the Algebra I EOC without enrolling in the course; and requires school districts to notify parents and advise students of the options for early and accelerated high school graduation.

End-of-Course Assessments: Establishes performance based funding for Algebra I, Biology I, and Geometry end-of-course (EOC) assessments, beginning in the fourth year of administering the EOC and requires the Algebra I EOC to be administered four times annually.

Advanced Placement Program: Establishes student eligibility requirements for participation in the AP program. The requirements are the same as those required for dual enrollment, except students may also demonstrate eligibility using FCAT or EOC scores.

Dual Enrollment Program: Clarifies student eligibility requirements for dual enrollment; provides faculty and curriculum standards for college credit dual enrollment courses, the faculty and curriculum standards are consistent with those required by the Southern Association of Colleges and Schools (SACS) Commission on Colleges and are currently outlined in rule; requires superintendents and FCS presidents to establish a dual enrollment articulation agreement instead of a district interinstitutional articulation agreement; repeals s. 1007.235, F.S., District interinstitutional articulation agreements; repeals s. 1007.272, F.S., Joint dual enrollment and advanced placement instruction; and prohibits the practice of "credit in escrow," which allows a student who does not qualify for dual enrollment to enroll in and pay for college courses that do not count toward high school graduation.

A copy of the bill is attached.

HB 291 by Rep. Renuart relates to Youth Athletes. Requires independent sanctioning authority for youth athletic teams & FHSAA to adopt guidelines, bylaws, & policies relating to nature & risk of concussion & head injury in youth athletes; requires informed consent for participation in practice or competition; requires removal from practice or competition under certain circumstances & written medical clearance to return.

HB 689 by Rep. Bileca relates to American Founders' Month. Designates month of September as "American Founders' Month"; authorizes Governor to annually issue proclamation designating month & urging participation; requires district school boards to celebrate American Founders & principles inherent in country's founding documents by observing American Founders' Month; specifies focus of instruction & authorizes integration into existing school curriculum; requires distribution to school personnel, at beginning of school year, of information relating to patriotic programs.

HB 1191 by Rep. Bileca relates to Parent Empowerment in Education. There is a proposed committee substitute to this bill and the analysis is below. **A copy of the proposed committee bill is attached.**

The bill enables parents to, by petition to the school district, request implementation of a parent-selected turnaround option when a school does not sufficiently improve in the initial year of implementing a district-selected turnaround option. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of eligible students, i.e., students enrolled in the school or students who are scheduled for assignment to the school in the following school year.

The district school board may adopt the turnaround option selected by parents or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the State Board of Education. The state board may approve the district's plan or, if it determines that the parent-selected option is more likely to improve student performance at the school, require the school board to submit a plan for implementing the parent-selected option.

Florida's system of school improvement provides the lowest performing schools with the most comprehensive interventions. If such a school does not sufficiently improve during the first two years of intervention, the school district must implement a school turnaround option at the beginning of the next school year. If the school does not sufficiently improve during the first year of implementing a turnaround option, the school district must submit a plan for implementing a different option at the beginning of the next school year. No process exists that requires school districts to consider implementation of a parent-selected turnaround option.

The bill also adds several new requirements related to the assignment of students to classroom teachers. The bill prohibits school districts from assigning a student in consecutive school years to a classroom teacher with an annual performance evaluation rating of unsatisfactory or needs improvement; authorizes a parent to request from the school district the performance evaluation of any classroom teacher assigned to his or her child; and requires that parents of students assigned to an out-of-field or chronically low-performing teacher be informed of the availability of virtual instruction delivered by an in-field, high-performing teacher.

Florida law does not prohibit school districts from assigning a student in consecutive years to a low-performing teacher. School districts must notify each parent when his or her child is assigned to an out-of-field teacher or chronically low performing teacher; however, notification that virtual instruction is available as an alternative to such teacher assignments is not required. School districts are not expressly required to provide a teacher's performance evaluation to parents who request it; however, such evaluations become public records after one year, at which time the evaluation must be furnished to any parent or member of the public who requests it.

HB 4195 by Rep. Grant relates to Adult General Education. Deletes lifelong learning courses or activities & recreational or leisure courses as priorities in providing adult education program academic services.