

# FSBA

# BOARDER-LINE

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### **Education Budget**

Both the House and Senate passed their respective budget bills this week. Overall, the Senate budget (SB 2800) provides about \$1.5 billion more than the House budget (HB 5001). Both budgets provide an increase in K-12 education funding of nearly \$1.3 billion, or about 6.8%, though the Senate offers about \$6 million more than the House in total FEFP and categorical funding. Both bills maintain the current Required Local Effort millage rate of 5.010 mills, but with higher property values, this millage rate will generate \$545 million more than this year. House Democrats suggested removing this increase in property tax revenue and replacing it with funds from state reserves, but this proposal failed. Also, the House spent a significant amount of time debating a change in the calculation of the formula for the District Cost Differential (DCD) that would provide more funding to several of the larger school districts. Although House members did not approve any change to the formula, they did approve funding for a study of the formula. The House budget also continues funding for the DCD Transition Supplement while the Senate budget does not. Attached is a revised budget comparison of key education appropriations. Next week a Conference Committee comprised of House and Senate members will begin work on resolving the differences between the bills.

### **Property Tax Relief**

This week, the Senate unveiled the key components of its property tax relief proposal and held an all-day workshop to further develop its plan. Senate leaders stated that they did not intend for their plan to affect property tax revenues for public education. In general, for FY 2007-2008, the Senate's plan would roll back city and county property tax revenues to their 2005-06 level adjusted for population growth and per-capita income. This tax revenue amount would be frozen for FY 2008-2009. Then, beginning with 2009-2010, increases in city and county property tax revenues could not grow any faster than the local population and income rates. In addition, first-time home buyers would initially get a \$50,000 homestead exemption, but the assessment of the new home would then climb by 10 percent per year until the normal "Save Our Homes" benefit is reached. The Senate would also provide a \$25,000 exemption on tangible personal property for businesses. Further, affordable housing would be taxed based on rent collected rather than market value. Senate leaders said their package would reduce property taxes by 6.5 percent next year and, over the next five years, would provide a total savings to taxpayers of more than \$11 billion. By contrast, the House proposal would reduce property taxes by as much as 18 percent and immediately reduce property taxes by \$5.8 billion. However, the property tax savings proposed by the House would be replaced, at least in part, by an increase in the sales tax. Senate leaders indicated that their less dramatic property tax plan was a more measured response that would avoid an increase in the sales tax and would also avoid robbing cities and counties of needed tax dollars for services. The House and Senate will continue to fine tune their respective proposals next week and a Conference Committee will then be appointed to hammer out the significant differences between the two plans. Meanwhile, many continue to speculate that the property tax issues will not be resolved before the end of the session and an extension or special session may be necessary.

### **Gifted High School Students**

A Senate education funding bill – SB 1046 by Wise – initially proposed a change in the definition of "exceptional student" so that it would include gifted students only in grades K through 8. This same provision was incorporated into HB 7081 by the Schools & Learning Council. In effect, this change would mean a loss of funding for services for the state's 36,722 gifted high school students that is mainly provided through the Exceptional Student Education Guarantee allocation. Proponents of this change suggested that districts receive extra funding to offer a variety of courses – such as AP, IB, and AICE – for bright high school students and, therefore, did not need additional funding for gifted services for these students. After conferring with gifted student advocates, school district personnel, and others, Senator Wise has indicated that he is willing to delay pursuing this change until it can be studied further. SB 1046 has been amended to call for a freeze on gifted funding for 9-12 students. However, perhaps due to an oversight, a problem persists because the bill continues to define gifted students as being in grades K-8 for funding purposes. Meanwhile, the House has amended a different education bill – HB 7151 – to impose a freeze on gifted funding for high school students at 2006-07 levels and to require a detailed study by the Office of Program Policy And Government Analysis (OPPAGA). A similar amendment has been filed for HB 7081. It is expected that this House language will be accepted by the Senate during the budget conference process.

### **Florida Schools of Excellence Rule Development**

The DOE conducted hearings last week on a proposed rule to establish procedures for school boards to seek exclusive authority to authorize charter schools. The rule is intended to provide a fair and consistent process for school boards to follow in submitting a resolution and written application for exclusive authority, and for the State Board of Education to follow in receiving, reviewing, and taking action on the application. The Draft Rule and a proposed application review rubric are attached. FSBA urges you to review these documents carefully. If you wish to comment or provide other input on the Draft Rule, DOE has provided an online form for this purpose at <http://www.floridaschoolchoice.org/feedback/Default.asp>. The deadline for submitting public input on this rule is April 20, 2007.

### **Recent Bill Action**

#### **HB 187 – Student Safety by Vana (SB 2088 by Aronberg)**

The bill establishes the "Diana Kautz Student Safety Sponsors Act." to allow a district school board to adopt policies providing for private sponsorship for the installation of Type 2 seat belts on newly purchased school buses. The bill provides that any person or business entity may be a sponsor by paying a fee prescribed by local school board policy. Of the proceeds collected from the fee, up to 5% may be used for the cost of an advertising agent, up to 45 percent may be used for the cost of the seat belt assemblies and installation, and the remaining funds must be deposited into the state General Revenue Fund to be used for transportation services. Upon request of the sponsor, the school board must place signage on the school bus acknowledging the sponsor. The bill specifies that no liability may accrue to any person or business entity because that person or entity is a sponsor of seat belt assemblies.

**STATUS:** Passed Schools & Learning Council (SB 2088 passed Transportation)

#### **HB 379 – District School Taxation/Millage by Poppell (SB 574 by Bennett)**

The bill allows a school district to use revenues from the 2-mill capital improvement levy for payment of the district's property and casualty insurance costs. The bill limits a school district's use of operating revenues made available through payment of property and casualty insurance from the 2-mill levy to nonrecurring operational expenditures. If the district anticipates using the 2-mill levy for property and casualty insurance, the school district must list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

**STATUS:** Passed Schools & Learning Council (SB 574 passed Education PreK-12)

**HB 511 – School Tax/Millage/Authorized Uses by Kendrick (SB 1750 by Gaetz)**

The bill authorizes the use of the discretionary two mill authority to district school boards for the payment of property and casualty insurance. To qualify for the exception to restrictions on expenditures, school districts must demonstrate compliance with class size reduction requirements for the current year, receipt of an unqualified opinion on financial statements for the prior three year, and findings in a financial audit that the district has no material weaknesses or instances of material noncompliance for the prior three years. The bill restricts the use of the operating funds that are made available through this authority to nonrecurring operational expenditures.

**STATUS:** Passed Schools & Learning Council (SB 1750 passed Education PreK-12)

**HB 653 – Public K-12 Education by Kravitz**

The bill revises the organizational structure of DOE, requiring the establishment of a Division of Workforce Education and a Division of Finance and Operations, and also authorizes the Commissioner to organize and name the structural units of the DOE. The bill removes the current district school board salary requirements and replaces them with the salary formula that was in place prior to the school code rewrite in 2002 and raises the base salary for district school superintendents. The bill sets forth new requirements for school districts regarding contracts with photographers for student yearbook photos, including requesting bids, providing information on other student options for photography, and authorizing a student's senior photo to appear in the school yearbook that is taken by the student's choice of photographer, so long as the photo meets the specifications of the school principal and yearbook staff. In addition, the bill restores inadvertently deleted language relating to grade forgiveness policies for all incoming ninth graders and provides a new exception for a student in the middle grades who takes a high school course for high school credit. The bill also reinserts inadvertently omitted waiver options for the physical education course requirement for high school graduation for students that participate in marching band, junior varsity or varsity sports, or Junior ROTC and meet certain other requirements.

**STATUS:** Passed Schools & Learning Council

**SB 660 Human Papillomavirus (HPV)/Schools by Fasano (HB 561 by Homan)**

This bill requires public and private schools in the state to provide specified information to the parent or guardian of each student entering sixth grade for whom the human papillomavirus (HPV) vaccine is approved by the United States Food and Drug Administration. The required information concerning the connection between HPV and cervical cancer and the HPV vaccine must be prescribed by the Department of Health and must be presented to parents or guardians beginning with the 2008-2009 school year.

**STATUS:** Passed Education Pre-K - 12 (HB 561 passed Schools & Learning Council)

**799 – K-8 Virtual School Program by Weatherford**

The bill provides that the K-8 Virtual School Program is a component of the delivery of public education within Florida's K-20 education system and provides that the mission of the K-8 Virtual School Program is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed. K-8 Virtual Schools must give priority to students who need access to K-8 courses in order to meet their educational needs and goals in a home environment and to students seeking accelerated access to move at their own pace in their educational progress. The bill requires schools participating in the K-8 Virtual School Program to be non-profit and authorizes funding for the K-8 Virtual School Program through the FEFPP based on FTE students. School districts can report FTE student membership only for courses for which the district provides the instruction. The bill provides that, in addition to the funds provided in the General Appropriations Act, a K-8 virtual school may receive other funds from grants and donations. In addition, the bill requires that a K-8 virtual school that has a performance grade category of "D" or "F" may not increase its enrollment until it achieves a performance grade category of "C" or better.

**STATUS:** Passed Schools & Learning Council

**HB 1219 English for Speakers of Other Languages by Carroll** *(SB 2512 by Wise)*

The bill prohibits DOE or a school district from requiring a teacher who has a reading certification or endorsement to earn more than 60 inservice hours for the ESOL endorsement after credit is applied for duplicate competencies from the reading certification or endorsement toward the ESOL endorsement. The bill also prohibits DOE or a school district from requiring a teacher to start ESOL training less than 45 school days or one grading period – whichever is less – after a limited English proficient student is assigned to the teacher’s class. The bill may also require DOE to negotiate modifications to a Consent Order issued by a federal court that retains jurisdiction for oversight of the state’s ESOL policies.

**STATUS:** Passed Schools & Learning Council

**SB 1238 Education by Gaetz** *(HB 7151 by Schools & Learning Council)*

This bill provides for the State Board of Education (SBE) to review and replace the Sunshine State Standards with new World Class Education Standards aligned to the knowledge demands students will face in a global economy. The SBE is required to involve Florida educators, citizens, business leaders, and national and international curriculum experts in the review and development of the new standards, and to review and consider rigorous standards adopted in other states. The bill aligns the FCAT to the new standards and requires professional development on the importance of effective standards-based instruction. The bill adds social studies to the subject areas assessed under the FCAT and requires the Commissioner to administer FCAT testing as close to the end of the school year as practicable. This bill also requires the development of standards in foreign languages deemed most critical to a global economy and encourages school districts to offer these foreign languages beginning in the elementary grades. The bill requires school districts to provide for accelerated learning opportunities for academically talented students. It authorizes qualified public schools to serve as a Supplemental Education Services (SES) provider and prohibits an SES provider from providing services if it fails to deliver services to eligible students by September 15 of each year. Beginning with the 2008-2009 school year, districts choosing to participate in the Merit Award Program (MAP) would be required to use end-of-course examinations. The bill also directs OPPAGA to conduct a study on after-school programs to identify methods to maximize effectiveness and efficiency and to secure additional federal funding.

**STATUS:** Passed Education Pre-K - 12 *(HB 7151 passed Policy & Budget Council)*

**HB 1257 Green Schools Pilot Project/Education by Richardson** *(SB 2136 by Constantine)*

This bill establishes the Green Schools Pilot Project to enable selected school districts to utilize Leadership in Energy and Environmental Design (LEED) silver or higher building certification standards in new building projects. The bill requires DOE, in consultation with the Florida Energy Office, to establish an application process for the pilot project. The State Board of Education must select three school districts for participation in the pilot project based on specified criteria. Each participating school district must build a minimum of one school that meets the LEED silver or higher certification standards. Each participating school district must submit a report on the effects that these “green schools” have on student health and performance, operational costs, energy consumption, and the environment.

**STATUS:** Passed Schools & Learning Council *(SB 2136 passed Education PreK-12)*

**HB 1371 Governor's School for Science & Technology by Altman** *(SB 2598 by Wise)*

This bill creates the Governor’s School for Science and Technology for high school students statewide and for teacher summer programming. The school is to be run by the Florida Virtual School (FLVS) and is to be located in Brevard County. Classes are to begin in the 2009-2010 school year and students are to reside on the school’s premises. Admission to the school may only be granted to qualified students pursuant to requirements and standards established in rule. The school is to offer accelerated programs in the areas of math, science, and technology to qualified high school students, and summer programs for elementary, middle, or high school teachers.

**STATUS:** Passed Schools & Learning Council

**HB 1499 Education Finance/Public School Utilization by Jordan (SB 2070 by Wise)**

This bill establishes the Increased Utilization Program (IUP) as a separate account within the PECO to provide monetary incentives to school districts that maximize facility capacity using nontraditional school calendars. The bill provides that the IUP is to be funded in an amount not to exceed 15% of total funds appropriated to the PECO. School districts that receive IUP funds are required to allocate them to any district school that increases its full-time equivalent (FTE) facility capacity by at least 20% by operating on a nontraditional calendar. Such schools are eligible to receive IUP funds up to a maximum of \$250 per each FTE generated within the school. The bill also sets forth requirements for school district participation in the IUP. School districts that utilize double sessions or overcrowd students in inadequate instructional areas are not eligible to participate in the IUP.

**STATUS:** Passed Schools & Learning

**SB 2200 High School Athletics/Drug Testing by Villalobos (HB 461 by Llorente)**

This bill establishes a one-year, random, anabolic steroids testing program for students in grades 9 through 12, who participate in football, baseball, and weightlifting. The program is to be administered by the Florida High School Athletic Association (FHSAA) during the 2007-2008 school year. Public and private schools must participate in the program as a prerequisite to FHSAA membership. FHSAA must submit an annual report to the Legislature. The bill provides program requirements, penalties, and challenge and appeal procedures.

**STATUS:** Passed Education Pre-K – 12 (HB 461 placed on Calendar)

**SB 2380 – Education/Failing Schools by Webster**

This bill provides for corporate tax credit scholarships to be available to students attending failing schools so that a student has the choice of attending a higher performing public school or a private school. The bill limits the duration of the scholarship based upon matriculation to different levels of education (e.g. elementary, middle, and high school). The bill also allows failing public schools that lose students to continue to count scholarship students for purposes of receiving full state education funding. The existing Opportunity Scholarship Program is repealed by the bill. The bill requires scholarship-funding organizations to give priority in awarding scholarships to students who received Opportunity Scholarships in the final quarter of the 2006-07 school year. Additionally, the bill revises the income tax code to provide that all corporate income tax revenue shall be deposited into a new trust fund rather than to the General Revenue fund.

**STATUS:** Passed Education Pre-K - 12

**SB 2458 – High School to Business Career Enhancement by Crist (HB 1161 by Ambler)**

This bill authorizes district school boards to adopt policies and procedures for student internships with employers. The bill limits eligibility to high school students who have at least a weighted GPA of 2.0 and requires that student participants work no more than 20 hours per week and that the internships to be at least 8 weeks, but not more than 20 weeks, during any school year. The bill establishes the number of internships an employer or school district may have each year. Business partners must provide for background screening of employees or contracted staff members who have direct contact with student interns. The bill also provides that internships do not constitute employment for purposes of unemployment compensation.

**STATUS:** Passed Education Pre-K - 12

**SB 2744 – Instructional Personnel/DROP by Alexander (HB 1569 by McKeel)**

This bill authorizes charter school instructional personnel employed in grades PreK - 12 to participate in the Deferred Retirement Option Program (DROP) extension if they are funded through the FEFP, and the governing board of the charter school approves the extension. The bill also provides a DROP extension for prekindergarten instructional personnel in the public school system funded through the FEFP.

**STATUS:** Passed Education Pre-K - 12

**SB 2904 – School Safety/Weapons by Haridopolos (HB 1509 by Poppell)**

This bill adds a common pocketknife to the list of weapons that are prohibited from possession at school-sponsored events, on school property, a school bus, or at a school bus stop and attaches a penalty of second degree misdemeanor for the illegal possession of a pocketknife at a school event, or on school property. The bill also provides an exception to the zero tolerance policy to allow a student to voluntarily surrender a weapon, other than a firearm, where possession of the item was lawful off of school grounds and the item has not been used by the student for unlawful activity or in violation of other school district rules or regulations. The bill requires school districts to establish policies for confiscation and disposition of prohibited items.

**STATUS:** Passed Education Pre-K - 12

**SB 2746 – Physical Education/External Defibrillator by Constantine (HB 967 by Weatherford)**

This bill requires the Commissioner to provide professional development in physical education for physical education teachers, elementary and secondary school teachers whose assignments include physical education courses, and developers of physical education curricula. The bill defines "physical education," and requires each district school board to provide 150 minutes of physical education each week for students in kindergarten through grade 5. The bill requires DOE to review and revise the Sunshine State Standards regarding physical education in 2007-2008. This bill also requires each public school to have at least one automated defibrillator on the school grounds.

**STATUS:** Passed Education Pre-K - 12 (HB 967 passed Policy & Budget Council)

**HB 7141 – Improving Graduation Rates by Schools & Learning Council**

The bill requires each student who has filed a formal declaration of intent to terminate school enrollment but has not yet attained the age of eighteen years to be informed of other possible educational programs at the exit interview. The bill creates the Transition Success Program for students in the sixth through ninth grade to ease the transition from elementary school to middle school and middle school to high school, to reduce dropout rates, and to provide students with extensive self-awareness opportunities concerning career goals and interests. By the 2008-09 school year, DOE must develop criteria and standards, design model programs, and provide technical assistance to districts and schools developing such programs. The bill also revises the criteria used to determine a school's grade to include a school's satisfactory or measured rising graduation rate and a school's satisfactory or measured decreasing dropout rate. The bill makes Transition Success Programs eligible for Florida School Recognition Program awards.

**STATUS:** Passed Schools & Learning Council

**HB 7145 – Scholarship Programs by Schools & Learning Council**

For the Corporate Income Tax Credit Scholarship (CITC) program, the bill revises the CITC program by adding that the sibling of a renewing student who lives with the renewing student will be eligible as a first time CITC recipient as long as the household income does not exceed 200% of Federal Poverty Level, increasing the amount of the scholarship awards available to students in middle and high school, requiring a scholarship funding organization (SFO) to annually expend at least 75%, rather than obligate 100%, of the eligible contributions made in that fiscal year for scholarships, and clarifying that a taxpayer who has made or who makes an eligible contribution to a SFO will not lose the tax credit retroactively if a court holds any provision of s. 220.187(5), F.S., unconstitutional. For the McKay Scholarship Program, the bill creates an exception to the requirement that a scholarship recipient have regular and direct contact with his or her teacher at the school's physical location. For the exception to apply, the student's doctor must annually provide a sworn statement indicating that the student's welfare or the welfare of other students in the classroom will be jeopardized if he or she is required to attend class at the school's physical location. The bill provides that a student, who received a McKay scholarship in 2005-2007, but who became ineligible because he or she could not meet regular and direct contact requirements, is eligible for a scholarship in the 2007-2008 school year.

**STATUS:** Passed Schools & Learning Council

**HB 7155 – World Class School Leaders by Schools & Learning Council**

This bill makes substantial changes to provisions governing Educator Professional Development, Teacher Preparation Programs, Teacher Certification Requirements, and Education Personnel. The bill requires each public school to designate lead teachers in reading, math, social studies, and science and requires each school district to appoint master trainers to train lead teachers. The bill requires that first priority for mentoring services provided by National Board for Professional Teaching Standards (NBPTS) certified teachers be given to beginning teachers, teachers in need of improvement, and teacher education students. The bill requires each school district to provide a written statement to teachers regarding educator liability insurance coverage. Superintendents are authorized to directly dismiss certain administrative personnel. The Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to conduct studies on the effectiveness of Florida teacher preparation programs and on school district teacher retention rates. Institutions that offer state-approved teacher preparation programs are required to provide the option of a program comprised of three years of coursework and a one-year paid teaching internship and to incorporate instruction regarding identification and placement of gifted students. Each Educator Preparation Institute (EPI) is required to guarantee the quality of program graduates and provide cost-free remedial instruction to graduates who demonstrate teaching skill deficiencies. The bill also revises examinations that applicants may use to demonstrate mastery of general knowledge for teacher certification.

**STATUS:** Passed Policy & Budget Council

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