

# FSBA

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## ***Budget Update***

The Senate released its PreK-12 education budget proposal this week and the House is expected to release their proposal next week. When both proposals are available, we will prepare a side-by-side comparison of the allocations and policy implications for both proposals. In the meantime, we have posted links on the FSBA website – [www.fsba.org](http://www.fsba.org) – to the documents that have been released thus far. (To access these documents, click on “Education Budget Materials” in the Hot Topics box or use this direct link: <http://www.fsba.org/briefsupdates.asp#educationbudget>)

The Senate has also released two conforming bills that are intended to align Florida Statutes with the Senate’s appropriations policy decisions. We have provided a detailed summary of these two bills below. As you review the provisions contained in these conforming bills, it is important to note that, while the provisions contained in Appropriations and Implementing bills are effective for one year only, the provisions contained in a Conforming bill remain in effect permanently unless repealed or amended by subsequent legislation.

## **SB 1676 – Governmental Operations by Wise**

The bill amends and creates several provisions in law to conform with new legislative policies for education appropriations.

### ***Compensation of School Board Members and District Superintendents***

The bill amends s. 1001.395 relating to school board member compensation by adding subsection (3) to provide that, for the 2009-2010 fiscal year, the salary of each district school board member shall be the amount calculated pursuant to s. 1001.395(1) or the salary of members of the Legislature, pursuant to s. 11.13 or any other law, whichever is less.

The bill amends s 1001.47 relating to district school superintendent salaries by adding subsections (6) and (7) to provide that elected district school superintendents may reduce their salary rate on a voluntary basis and that, for the 2009-2010 fiscal year, the salary of each elected district school superintendent calculated pursuant to s. 1001.47 shall be reduced by 5 percent.

The bill amends s. 1001.50 relating to appointed superintendents by adding subsections (5) and (6) to provide that, notwithstanding any other law, resolution, or rule to the contrary, an appointed district school superintendent may not receive more than \$225,000 in remuneration annually from state funds. The bill defines “remuneration” to mean salary, bonuses, and cash-equivalent compensation paid to a district school superintendent by his or her employer for work performed, excluding health insurance benefits and retirement benefits. Only compensation, as defined in s. 121.021(22), which is provided to a district school superintendent may be used in calculating benefits under chapter 121. In addition, the bill provides that district school boards and appointed superintendents are encouraged to review the superintendent’s annual remuneration for the 2009-fiscal year and mutually agree to a reduction of at least 5 percent.

The bill amends ss. 1001.42(25) and 1001.50(2) relating to the powers and duties of school board with respect to employment contracts to clarify a provision adopted during the January 2009 Special Session that prohibited a school board from entering into an employment contract that requires the district to pay from state funds an employee an amount in excess of 1 year of the employee's or superintendent's annual salary for termination, buy-out, or any other type of contract settlement. This bill clarifies that the January provision does not prohibit the payment of earned leave and benefits in accordance with the district's leave and benefits policies which were accrued by the employee or superintendent before the contract terminates.

### ***Class Size Requirements***

The bill amends s. 1003.03(2) and (4) relating to maximum class size to provide that the calculation for compliance for each of the 3 grade groupings will remain at the school level for 2009-2010. The bill also provides a methodology for calculating funding sanctions for school districts that fail to meet class size requirements. Beginning in the 2010-2011 fiscal year and each year thereafter, if the department determines that the number of students assigned to any individual class exceeds the class size maximum at the time of the third FEFP calculation, the department must identify, for each grade group, the number of classes in which the enrollment exceeds the maximum, the number of students which exceed the maximum for each such class, and the total number of students which exceed the maximum for all classes. The department must then determine the number of full-time equivalent students which exceed the maximum class size for each grade group and multiply that total by the district's FTE dollar amount of the class-size-reduction allocation for that year and calculate the total for all three grade groups. The district's class-size-reduction operating categorical allocation will then be reduced by an amount equal to the sum of the calculation. Upon verification of the reduction, and no later than March 1 of each year, the Executive Office of the Governor shall place these funds in reserve and the undistributed funds shall revert to the General Revenue Fund unallocated at the end of the fiscal year. The amount of funds reduced shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class-size-reduction operating categorical allocation. The bill provides that, in lieu of the reduction calculation described above, the Commissioner may recommend a budget amendment, subject to approval of the Legislative Budget Commission, to reduce an alternative amount of funds from the district's class-size-reduction operating categorical allocation.

The bill also amends s. 1002.33(16)(a) relating to charter schools to require charter schools to comply with statutes pertaining to class size.

### ***Funding Limitations & Flexibility***

The bill amends s. 1001.451(2)(c) to make permanent the provision that the appropriation for regional consortium service organizations may be less than \$50,000 per school district and eligible member. If the amount appropriated is insufficient to provide \$50,000, the funds available must be prorated among all eligible districts and members.

The bill creates s. 1010.06 to provide that state funds appropriated by the Legislature to the Division of Public Schools within DOE may not be used to pay indirect cost to a university, community college, school district, or any other entity.

The bill amends s. 1011.09(4) to provide that, during the 2009-2010 fiscal year, unless specifically approved by the district school board, public funds may not be expended for out-of-state travel or cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method.

The bill amends s. 1011.18(4) relating to payments into or withdrawals from depositories to provide that the district superintendent that has been specifically authorized to do so may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds to pay expenses, expenditures, or other disbursements that must be evidenced by an invoice or other appropriate documentation

The bill amends s. 1011.60 (2) relating to minimum requirements of the FEFP to provide that the minimum term for operation of schools must be 180 days or equivalent hours.

The bill amends s. 1011.62(1) relating to funds for the operation of schools by adding paragraph (l) to provide that a student who is enrolled in study hall may not be included in the calculation of full-time equivalent student membership for funding.

The bill amends s. 1011.62(1)(m)-(p) relating to the calculation of additional FTE membership based on student performance in upper level courses by reducing the FTE value and bonus awards. For the international baccalaureate (IB) program, a value of 0.08 (rather than 0.16) FTE student membership will be calculated for each student who receives a score of 4 or higher on a subject examination. A value of 0.16 (rather than 0.3) FTE student membership will be calculated for each student who receives an IB diploma. Each teacher who provided IB instruction will receive a bonus of \$40 (rather than \$50) for each student who receives a score of 4 or higher on the IB exam. An additional bonus of \$400 (rather than \$500) will be awarded to an IB teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the IB exam. Bonuses awarded to an IB teacher may not exceed \$1,600 (rather than \$2,000) in any given school year. The bill provides similar reductions for the Advanced International Certificate of Education (AICE) program, the Advanced Placement (AP) program, and for career and professional academy programs. The bill also eliminates the additional FTE membership calculation for the Florida Virtual School. The bill provides that these amendments apply to bonuses earned in the 2008-2009 fiscal year for funding in the 2009-2010 fiscal year.

The bill repeals s. 1011.68(7) thus eliminating the provision that any funds received by a school district for transportation that are not required to transport students may, at the discretion of the district school board, be transferred to the district's Florida Education Finance Program.

The bill amends s. 1011.685 relation to the class size reduction operating categorical to provide that class size reduction operating categorical funds must be used by school districts to reduce class size, or the funds may be used for any lawful operating expenditure. However, priority must be given to increasing salaries of classroom teachers.

The bill amends s. 1011.71(2) relating to the district school tax to reduce – from 1.75 mills to 1.5 mills – the millage that school districts may levy. For the approved use of these funds, the bill waives the three-fourths limit for lease-purchase agreements entered into before June 30, 2009 and provides that, if the revenue from the 1.5 authorized millage is insufficient to make payments due under a lease-purchase agreement entered into prior to June 30, 2008, an amount up to 0.5 0.25 mills of the taxable value for school purposes within the school district shall be legally available for such payments, notwithstanding other restrictions on the use of such revenues. The bill also eliminates the expiration date for the use of these funds for certain vehicles and for property and casualty insurance.

The bill creates s. 1011.71(9) to provide that, for the 2009-2010 fiscal year, if the revenue from 1.5 mills is insufficient to meet the payments due under a lease-purchase agreement entered into before June 30, 2009, or to meet other critical district fixed capital outlay needs, the board, in addition to the 1.5 mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations as provided in the General

Appropriations Act for 2009-2010. Millage levied for this purpose is subject to the provisions of s. 200.065 relating to the method for setting millage and, combined with the 1.5 mills, may not exceed 1.75 mills. If the district chooses to use up to .25 mills for fixed capital outlay, the compression adjustment will be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay.

The bill creates an unnumbered section of law to provide that, if the Commissioner determines that a school district acted in good faith, he or she may waive the equal-dollar reduction, required in s. 1011.71(5), Florida Statutes, for audit findings during the 2007-2008 fiscal year which were related to the purchase of software.

The bill amends s. 1013.64 relating to funds for educational plant needs by adding subsection (7) to provide that the district school board of Wakulla County must contribute 1 mill in the 2009-2010 fiscal year and 0.50 mill in the 2010-2011 fiscal year to the cost of currently funded special facilities construction projects. The district school board of Liberty County must contribute 1 mill in the 2009-2010 fiscal year, 1 mill in the 2010-2011 fiscal year, and 1 mill in the 2011-2012 fiscal year.

The bill repeals Section 9 of chapter 2008-142 Laws of Florida (HB 5083). Section 9 set an expiration date for provisions in HB 5083 that allowed flexibility in the use of categorical funds for student transportation, safe schools, supplemental academic instruction, reading instruction, and instructional materials (if all instructional material purchases have been completed for that fiscal year, but no sooner than March 1, 2010). By eliminating the expiration date the bill authorizes school districts to continue this flexibility indefinitely.

### ***Personnel***

The bill amends s. 1011.60(3) relating to employment policies by deleting the requirement of 196 days of service and providing that the total annual number of days of service will be adopted through school board rule. However, such rules must not require more than 10 (rather than 12) calendar months of service for such principals and other school site administrators as prescribed by rules of the State Board of Education and may require up to 10 months of service, excluding Sundays and other holidays, for all members of the instructional staff. Principals and other school site administrators may serve more than 10 calendar months of service if specifically approved by the district school board, and any such service on a 12-month basis may include reasonable allowance for vacation or further study as prescribed by the school board in accordance with rules of the State Board of Education.

The bill creates s. 1011.675 to establish the Discretionary Bonus Allocation for Outstanding Performance for school districts to recognize and reward the outstanding performance of students, teachers, and school-based administrators in an amount to be determined by the Legislature. The bill provides that funds will be allocated to each school district as provided in the General Appropriations Act. Notwithstanding the provisions of s. 1012.225, relating to the Merit Award Program for Instructional Personnel and School-Based Administrators, and s. 1012.72, relating to the Excellent Teaching Program, during the 2009-2010 and 2010-2011 fiscal years, school districts may use the funds received under this section for any or all of the programs listed in this provision or for any other purpose that the district school board deems appropriate.

The bill amends s. 1012.33(3)(g) relating to the requirement that, for the purposes of pay, a district school board must recognize and accept each year of full-time public school teaching service to apply only to teaching service earned in Florida and provides that an employee may voluntarily waive this provision. The bill further amends s. 1012.33 by adding subsection (9) to provide that, for the 2009-2010 and 2010-2011 fiscal years, district school boards should not enter into a new professional service contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds.

The bill amends s. 1012.71 relating to the Florida Teachers Lead Program by adding subsection (6) to provide that, for the 2009-2010 fiscal year, DOE is authorized to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system. The pilot program must be established through a competitive process and provide teachers with the capability to purchase from online sources and local vendors. The pilot program would be subject to annual auditing requirements and must provide for all unused funds to be returned to the state at the close of each fiscal year. Participation in the pilot program would be voluntary for school districts and individual teachers. DOE is not required to implement this pilot program if it determines that the number of school districts willing to participate is insufficient to adequately test the viability of the pilot program.

### ***Virtual Instruction Programs***

The bill amends s 1002.37(a) and (b) relating to the Florida Virtual School to provide that a “full-time equivalent student” is one student who has successfully completed six credits in core curricula courses which shall count toward the minimum number of credits required for high school graduation. A student who completes fewer than six credits in core curricula courses must be counted as a fraction of a full-time equivalent student. In addition, the bill provides that the maximum value for funding a full-time equivalent student in kindergarten through grade 12, including credits earned through the Florida Virtual School during the summer, combined with credits and FTE earned through a school district may not exceed one full-time equivalent membership per student per year.

The bill amends s. 1002.45(7) relating to funding for school district virtual instruction programs by deleting paragraph (c) that had limited funding for school district virtual instruction course offerings for students in grades 9-12 to Department of Juvenile Justice programs, dropout prevention programs, and career and vocational programs.

### ***Voluntary Prekindergarten Programs***

The bill amends s. 1002.71(4) and (6) relating to funding and attendance for the VPK program to provide that a child who has not completed more than 70 percent (rather than 10 percent) of the hours authorized to be reported may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student and funding shall be issued in accordance with the Agency for Workforce Innovation’s uniform attendance policy. The bill amends requirements for the attendance policy to provide that, beginning with the 2009-2010 fiscal year for school-year programs, a student’s attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student. At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent. A private prekindergarten provider or public school may not receive payment for absences that occur before a student’s first day of attendance or after a student’s last day of attendance.

### ***Technology***

The bill amends s. 1001.20(4)(a) relating to the DOE Office of Technology and Information Services to add the responsibility that the office must assist school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund.

The bill creates s. 1001.271 relating to the Florida Information Resource Network (FIRN) to provide that, upon requisition by school districts, community colleges, universities, or other eligible users of FIRN, the Commissioner must purchase the nondiscounted portion of Internet access services, including, but not limited to, circuits, encryption, content filtering, support, and any other services needed for the effective and efficient operation of the network. In it’s requisition, each user must identify the source of funds from which the commissioner is to make payments.

The bill amends s. 1001.28(2) relating to DOE's distance learning duties to provide that DOE must coordinate the use of existing resources, including, but not limited to, the state's satellite transponders, the Florida Information Resource Network, the Florida Knowledge Network and distance learning initiatives.

### ***Instructional Materials***

The bill amends s. 1006.28(1) to provide that the term "adequate instructional materials" means a sufficient number of textbooks or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard backed or soft-backed textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.

The bill amends s. 1006.36(1) to increase the term of adoption of any instructional materials from 6 years to 8 years.

The bill amends s. 1006.40(2)(a) to provide that the requirement that school districts purchase instructional materials within the first 2 years after the effective date of the adoption cycle is waived for the 2009-2010 academic year if the district certifies to the Commissioner that the district has sufficient instructional materials to implement the newly adopted state standards for mathematics.

### ***School Food Service Programs***

The bill amends s. 1006.06(5)(b) relating to school food services to include state allocations in addition to federal reimbursements when the school district sets prices for breakfast meals that are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds.

### ***CLAST***

The bill amends s. 1008.29(7) to provide that the State Board of Education, by rule, must establish fees for the administration of the examination to public and private postsecondary students.

### **SB 1678 – School District Accountability Millage Adjustment by Wise**

The bill creates s. 1011.625 to establish the School District Accountability Millage Adjustment as a sanction on school districts that have failed to comply with specific laws. The bill provides that school districts that fail to comply with specific laws must levy an additional millage in order to generate revenue in an amount equal to the effect of the violation as follows:

- For failure to comply with class size reduction requirements, the additional millage rate must cover the amount of the violation, as determined under the provisions of s. 1003.03, for students served in classrooms that have student populations in excess of the constitutionally mandated levels if the district provides the educational facilities and governs the operations;
- For failure to comply with requirements for the classification of a student for the FEFP, the additional millage rate must cover the full costs of misclassification applied to all students in the same funding classification based on the audit sample in the annual audit.
- For failure to comply with restrictions on the use of district fixed capital outlay, the additional millage rate must cover the full cost of the amount spent for unlawful purposes.
- For failure to comply with differentiated pay for classroom teachers and school based administrators, the additional millage must cover an amount equal to 5 percent of the total salaries of teachers and administrators for the audited fiscal year.

By March 1 in the fiscal year following the audit finding, the Commissioner must calculate the additional millage rate for each school district and must certify the additional millage rate to be levied as part of the required local effort for that school district for that year. The bill provides that the additional millage rate is exempt from the 90 percent calculation of the district's total FEFP

entitlement. For each school district that is subject to these provisions, the Commissioner must withhold an amount equivalent to the revenue generated by the levy of the additional millage rate from the school district's state FEFP funds. The bill specifies that the revenue generated by the levy of the additional millage may be used only to cover the cost of each violation.

The bill requires that the public notice of proposed property taxes must include a statement that the school district failed to comply with the requirements of law and that the penalty for noncompliance is to require the district school board to levy an additional property tax millage to generate revenues equal to the noncompliance amount. The notice must also state that the school district's share of state funds from the FEFP will be reduced in an amount equivalent to the additional levy. The district school board must also include this information in the notice of public hearing to adopt its annual budget. The bill provides the form for the advertisement for the proposed levy of nonvoted millage.

### **Bill Action**

Below is a summary and status report on each of the key bills that have been considered recently. Please note that the bill number is linked to the House or Senate website that provides additional information on each bill.

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

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

**Status:** Passed Governmental Affairs Policy

#### **SB 360** – Growth Management by Bennett (Similar to EDCA2 by Growth Management)

This bill deals primarily with issues relating to transportation concurrency. However, it also amends sanctions to local governments and school districts to provide that, if the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission, which may impose on the local government any of the sanctions set forth in s. 163.3184(11)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4).

**Status:** Passed 2<sup>nd</sup> Reading in the Senate as amended

#### **HB 409** – Personal Identifying & Health Information by Jones (Similar to **SB 1260** by Hill)

The bill creates a public record exemption for current and former employees of an institution comprising a part of the state system of public education. In addition, personal health information of such employees is also confidential and exempt. The bill provides that confidential and exempt personal identifying information may be disclosed to collective bargaining agents representing employees in the performance of their statutory duties and may be disclosed to another governmental entity in the furtherance of its duties and responsibilities. The bill defines "employee" to mean any current or former employee of an institution comprising a part of the state system of public education, including any teacher, administrator, educational support personnel, or member of a school board. The bill defines "personal identifying information" to mean an employee's social security number, home address, and telephone number, the name, age, home address, telephone number, social security number, photograph, and place of employment of the spouse or child of an employee, and the name and location of a school or day care facility attended by the child of

an employee. The bill defines “personal health information” to mean a personal health condition of, injury to, history of personal medical diagnosis or treatment of, or any other information that relates to the health of an employee, or to the health of the spouse or child of an employee, contained in any materials, documents, or records held by a public educational institution in the state pursuant to the employee’s participation in a group health insurance plan or program, and the existence or content of any individual coverage or status of coverage under an employee’s group health insurance policy.

**Status:** Passed Governmental Affairs Policy as a CS

### **HB 479 – Retirement by Schenck**

The bill revises the definition of “termination” by extending the prohibition on retiree reemployment with an FRS employer from one calendar month to 12 calendar months. The bill also extends the period under which a retiree reemployed by any FRS employer may not collect both a salary and retirement benefits from months two through 12 after retirement to months 13 through 24. The bill removes the reemployment limitation exceptions for elected officers and firefighters and paramedics. FRS retirees may continue to receive their pension and salary if reemployed as instructional personnel by an FRS employer, but they must first meet the definition of termination, which means they must separate from employment for a 12 month period before being reemployed as such personnel. The bill eliminates renewed membership in the FRS, thus precluding retirees reemployed with an FRS employer from accruing a second retirement benefit. However, the bill grandfathered in those who are renewed members at the time of the bill’s effective date. The bill also co-locates provisions relating to the reemployment of instructional personnel employed by developmental research schools, charter schools, and the Florida School for the Deaf and the Blind, repeals obsolete provisions relating to the study of interstate portability of retirement benefits, and makes clarifying changes to DROP provisions.

**Status:** Passed Economic Development & Community Affairs as a CS

### **SB 532 – Property Assessments/Exemption by Lynn** (*Compare to [HB 97](#) by Domino*)

As amended, this proposed constitutional amendment reduces the maximum increase in the assessed values of non-homestead property to 5 percent annually, effective January 1, 2011. This amendment also requires the Legislature to provide an additional homestead exemption for first-time homestead property owners. Under the exemption, 50 percent of the just value of a first-time homestead, up to \$250,000, will be exempt from property taxes. The amount of the additional exemption will decrease in each succeeding year for five years by the greater of 20 percent of the initial additional exemption or the difference between the just value and the assessed value of the property. The additional exemption will not be available in the sixth and subsequent years.

**Status:** Passed Community Affairs with a “strike all” amendment (*HB 97 passed Economic Development & Community Affairs Policy*)

### **SB 738 – Limitation on Amount of Combined Ad Value Bennett** (*Identical to [HB 385](#) by Rivera*)

The bill proposes an amendment to the State Constitution to limit the total aggregate ad valorem taxes collected by counties, municipalities, school districts, and special districts on any parcel of real property to 1.35 percent of the highest taxable value of the property. The limitation would apply to all property taxes except ad valorem taxes levied for the payment of local bonds issued to finance or refinance capital projects authorized by law when approved by vote of the electors or to refund outstanding bonds, or levied for periods not longer than 2 years when authorized by a vote of the electors. The bill requires the Legislature to provide by general law for distribution of revenues collected on parcels that exceed the 1.35-percent limitation.

**Status:** Passed Community Affairs with 1 technical amendment (*HB 385 passed Economic Development & Community Affairs Policy*)

**HB 751 – Statewide Articulation Agreements by Patterson** (Compare to **SB 920** by Baker)

The bill revises statutory provisions governing the statewide articulation agreement, school district interinstitutional articulation agreements, the Statewide Course Numbering System (SCNS), and the articulation accountability process. The bill adds a requirement that the statewide articulation agreement govern the establishment of guidelines for the inclusion of institutions licensed by the Commission for Independent Education (CIE) in statewide articulation agreements and authorizes school districts to enter into articulation agreements with CIE-licensed nonpublic postsecondary institutions. The bill clarifies the requirement that the SCNS faculty review committee for each curricular discipline be comprised of representatives from school districts, public postsecondary institutions, and participating nonpublic institutions if the district or institution offers courses in the discipline. Course credit meeting SCNS academic equivalency standards must be guaranteed transfer regardless of the original institution's regional or national accrediting agency. The bill adds a requirement that DOE report data on secondary student progression into public and nonpublic postsecondary education and the workforce.

**Status:** Passed State & Community Colleges & Workforce Appropriations

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

The bill provides authority for the district school board or dependency court to appoint a surrogate parent for a child known to the department who has or is suspected of having a disability for purposes of educational decisionmaking. Before appointing a surrogate, it must be determined that no parent can be located and no person holds the right to make educational decisions for the child. Qualifications of a surrogate parent are specified. In addition, the bill adds a designated liaison between a local school district and the Department of Children and Family Services (DCF) or the court to the list of entities that may be granted access to records in child abuse and neglect cases. The bill provides that judicial and citizen panel reviews of dependency cases must include consideration of testimony from a surrogate parent. In reviewing a case, the court or the panel must determine who holds the rights to make educational decisions for the child and, if necessary, may appoint a surrogate parent for the child or refer the child to a district school board for the appointment. If a guardian ad litem (GAL) has been appointed for a child, the district school superintendent must first consider the GAL when appointing a surrogate parent. The bill provides for the continuity of an appointed surrogate parent if and when the child moves among and between public and private agencies and specifies circumstances which would eliminate the need for a surrogate parent. The bill also adds children who are in shelter or foster care to those children who can be granted a 30 day exception to providing records for enrollment purposes.

**Status:** Passed PreK-12 Policy(SB 1128 passed Children, Families & Elder Affairs)

**HB 835 – Gifted & Academically Talented Students by Legg** (Similar to **SB 1870** by Wise)

The bill revises the law relating to gifted education for students in grades K-12 to provide that parents must receive annual written notice of the eligibility criteria required for gifted student classification and of the procedures for requesting gifted evaluations. School districts must annually report to DOE, by grade and school level, the number of students classified as gifted, the types of gifted services provided, the hours of gifted services provided to each student and whether those services are provided by a gifted endorsed teacher, and performance data for students receiving gifted services. School districts must also report how much they spend from the ESE Guaranteed Allocation for gifted services. The bill requires DOE to develop statewide policies for whole-grade and subject matter acceleration and school districts must report the number of students who were accelerated one or more whole grades and who participated in subject matter acceleration programs. The bill also establishes the Gifted and Academically Talented Task Force to provide the executive and legislative branches with recommendations for improvements to existing gifted eligibility criteria, model procedures for screening students, model programs for gifted and academically talented education, and procedures for evaluating the effectiveness of such programs.

**Status:** Passed PreK-12 Appropriations

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

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

**Status:** Passed Education Policy Council

**HB 991 – School Improvement & Accountability by Grady** (Compare to **SB 2482** by Wise)

The bill is entitled “Florida’s Equal Opportunity in Education Act.” The bill aligns the school improvement and accountability state statutes with the education accountability provisions from the federal Elementary and Secondary Education Act, as revised by the No Child Left Behind (NCLB) Act. The bill states that the state system of school improvement and education accountability must provide for uniform accountability standards, provide assistance of escalating intensity to low-performing schools, direct support to schools in order to improve and sustain performance, focus on the performance of student subgroups, and provide options for equal opportunities for students to obtain a high-quality education. The bill authorizes the SBE to equitably enforce the accountability requirements of the public school system, including the power to impose state requirements on districts to improve academic performance of all districts, schools, and students. DOE must annually categorize public schools in one of six categories based on a school’s grade and the level of student performance. The bill requires the DOE to create a matrix that reflects which intervention and support strategies may be applied to address the particular needs of schools in each category. For a school identified in the category of lowest performing schools, the school district has the option to convert the school to a district-managed turnaround school, reassign students to another school, close the school and authorize a sponsor to reopen the school as a charter school, or contract with an outside entity to operate the school. In order to advance to a higher category, a school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading. The bill authorizes the SBE to impose escalating sanctions on districts that deviates from or fails to implement any provisions of its improvement plan or of s. 1008.33, F.S. The bill also provides that the school improvement plans must be annually approved by the district school board and must comply with the statutory provisions relating to public school improvement, the school grading system, the state system of school improvement and education accountability, and educational planning and information systems. In addition, the bill adds to the existing school grading requirements that performance of “disaggregated subgroups” must be included by 2010-2011.

**Status:** Passed PreK-12 Policy Committee as a CS

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

The bill requires district school boards to revise their zero tolerance policies so that they define criteria for reporting acts to law enforcement, acts that pose a serious threat to school safety, and petty acts of misconduct. District school boards must also establish a procedure that ensures each student has the opportunity to appeal disciplinary action. The bill requires district school boards and local law enforcement to establish agreements to specify guidelines for offenses that pose a serious threat to school safety and to report such offenses to law enforcement. The bill provides that zero tolerance does not require reports to law enforcement of petty misconduct and misdemeanors. School districts are encouraged to use alternatives to expulsion or referral to law

enforcement agencies unless the use of such alternatives will pose a threat to school safety. The bill also requires a district school board that has a policy of allowing the use of corporal punishment as a form of discipline to review its policy on corporal punishment once every 3 years during a district school board meeting.

**Status:** Passed PreK-12 Policy as a CS (*SB 1540 passed Criminal Justice as a CS*)

**SB 1164 – Property Assessment/Declining Value by Fasano** (*Similar to [HB 1087](#) by Llorente*)

The bill proposes an amendment to Section 4, Article VII, of the State Constitution to provide that the assessed value of the homestead property may not be increased in any year where the just value of the property is lower than the previous year. The “Save Our Homes” requirement for a 3 percent cap on any increase in the assessed value of homestead property in any year where the just value of such property increases over the previous year remains unchanged.

**Status:** Passed Senate Community Affairs with two technical amendments (*HB 1087 passed Military & Local Affairs Policy*)

**HB 1293 – High School Graduation by Fresen** (*Identical to [SB 2654](#) by Altman*)

The bill modifies the high school graduation requirements for a standard diploma to provide that, beginning with students entering the 9<sup>th</sup> grade in 2010-2011, of the four credits required in math, one must be Algebra I or the equivalent and one credit must be geometry or the equivalent. Of the three credits required in science, one must be Biology I or the equivalent, one must be in a physical science or the equivalent, and one must be a higher-level science. At least two of the science courses must have a laboratory component. Beginning with students entering the 9<sup>th</sup> grade in 2012-2013, of the four credits required in math, one must be Algebra I or the equivalent, one must be geometry or the equivalent, and one must be Algebra II or the equivalent. Of the three credits required in science, one must be Biology I or the equivalent, one must be chemistry or the equivalent, and one must be a higher-level science. At least two of the science courses must have a laboratory component. The bill provides that students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options must be advised of the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available as well as the availability of course offerings through the Florida Virtual School. In addition, the bill raises the FCAT score required for a student to pass the Grade 10 FCAT by providing that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency. The bill also creates the Graduation Exit Option Program which authorizes the award of an alternative diploma to students who are at least 16 years old, enrolled in high school courses that meet high school graduation requirements, and at risk of failing to graduate and meet criteria developed by DOE. The DOE is granted rulemaking authority to implement the program.

**Status:** Passed PreK-12 Appropriations

**SB 1310 – Tax Credits/Scholarships by Gardiner** (*Identical to [HB 453](#) by Weatherford*)

The bill renames the Corporate Income Tax Scholarship Program the Florida Tax Credit Scholarship Program. The bill allows insurance companies to receive a credit of 100% of an eligible contribution to an eligible SFO against any tax due for a taxable year under the provisions of the state’s insurance code. However, the credit may not exceed 75% of the tax due. The bill defines “direct certification list” to mean a certified list of children who qualify for the Food Stamp Program, the Temporary Assistance for Needy Families Program, or the Food Distribution Program on Indian Reservations. The list must be provided to the Department of Education by the Department of Children and Family Services. Children on the direct certification list would be eligible to receive a scholarship under the Florida Tax Credit Scholarship Program. Certain SFOs are permitted to request that DOE inform all households participating in the National School Lunch Program of their eligibility to apply for a tax credit scholarship. In addition, once a year, an SFO may request a special communication to be issued. The maximum amount of tax credits that may be granted each fiscal year pursuant to the scholarship program remains at \$118 million.

**Status:** Passed Education PreK-12 as a CS

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

The bill requires DOE to assign a service designation to state-approved SES providers, rather than a grade. The DOE must evaluate each state-approved SES provider and assign a service designation of excellent, satisfactory, or unsatisfactory for the prior school year. The bill provides that a service designation cannot be assigned if the student population served by the SES provider does not meet the minimum sample size necessary for statistical reliability and prevention of the unlawful release of personally identifiable student information. By July 1 of each year, the DOE must report the service designations to the SES providers, school districts, parents, and the public. The bill also requires that, by May 1 of each year, school districts must provide DOE with specific information including student learning gains, student attendance and completion data provided to the district by each SES provider, and parent, principal, and school district satisfaction survey results. School districts are authorized to use Title I, Part A funds to meet these requirements. The rules adopted by the SBE to implement the provisions relating to SES service designations must include an internal complaint procedure to resolve disputes regarding the state approval process, termination of state approval, and assignment of a service designation.

**Status:** Passed PreK-12 Appropriations (*SB 2538 passed Education PreK-12*)

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

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

The bill provides that any classroom teacher who is employed on the basis of a written offer of a specific position, who accepted such offer, and who violates the terms of such contract or agreement by leaving his or her position without first being released from his or her contract or agreement will be subject to the jurisdiction of the Education Practices Commission. The school board must take official action on such violation and must furnish a copy of its official minutes to the Commissioner. The bill also provides that a classroom teacher on an annual or professional performance contract may be suspended or dismissed at any time during the term of the contract for just cause. The district school board must notify the classroom teacher in writing whenever charges are made against the classroom teacher and may suspend such person without pay. However, if the charges are not sustained, the classroom teacher shall be immediately reinstated

and his or her back salary shall be paid. The bill provides a process and timeline for a teacher on a professional performance contract to contest any charges and request for a hearing before the school board or an administrative law judge. The bill directs the SBE to adopt rules to define “just cause” but specifies that “just cause” includes, but is not limited to, immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude, and educational insufficiency. The SBE rules must include a definition of “educational insufficiency” that is based upon multiyear, objective data on declines in student performance.

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

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

The bill directs the SBE to adopt the Florida Educator Accomplished Practices, which forms the basis for the state’s expectations for effective instructional practice. The Commissioner must periodically review the Florida Educator Accomplished Practices and is required to include input from associations representing teachers, principals, superintendents, and school boards when conducting the review. The bill also provides that the leadership standards adopted under the William Cecil Golden Professional Development Program for School Leaders must focus on instructional leadership and include the ability to identify and promote effective instruction, recruit and retain high-performing instructional personnel, and manage resources so as to maximize their use for improving student achievement. The DOE must annually post on its Internet website the percentage of classroom teachers by school who are first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers. In addition, DOE must annually report, by school district, the number of classroom teachers whose students’ declining academic performance indicates educational insufficiency, and the number of teacher dismissals initiated based on educational insufficiency and the number of the initiated dismissals that resulted in termination.

**Status:** Passed PreK-12 Policy as a CS

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

The bill renames the Division of Workforce Education as the Division of Career and Adult Education. The bill provides for a designation of industry-certified career education on the standard high school diploma for students who complete specific industry certification programs approved by Workforce Florida, Inc. The bill aligns career education certification to innovative needs of business and industry. The bill clarifies the career and professional academy industry certifications that are eligible for bonus funding through the Florida Education Finance Program (FEFP). In addition, the bill eliminates the requirement for adult high school students to complete a credit in performing arts for graduation purposes. The bill also revises definitions and council membership relative to the State Apprenticeship Advisory Council in order to comply with federal regulations and eliminates provisions to allow for reimbursement of travel expenses for council members.

**Status:** Passed Education PreK-12 with a CS

**SB 1906** – State & Local Revenue Limitations by Haridopolos (Similar to **HB 1263** by Flores)

This joint resolution proposes an amendment to Section 1 and the creation of a new section in Article VII of the State Constitution to be placed on the November 2010 ballot. The proposed amendment would repeal the existing state revenue limit based on Florida personal income growth and establish new revenue state and local revenue limits. The proposal provides that state and local government revenues for any fiscal year would be limited to the revenues collected in the 2010-2011 fiscal year plus an annual adjustment for growth. "Growth" is defined as an amount equal to government revenues collected in the 2010-2011 fiscal year multiplied for each fiscal year by the combined rate of inflation and rate of population change. School districts may use enrollment changes in lieu of population changes. Expenditures of revenues collected in excess of the limit must be approved by a majority of vote of the electors. Any excess revenues must be transferred to a budget stabilization fund until the fund. Further, the proposal requires state and local governments to receive advance approval by a two-thirds vote of the electors to impose a new tax, fee, assessment, or charge for services or to incur multiple-year direct or indirect debt.

**Status:** Temporarily Postponed in Government Oversight & Accountability (*HB 1263 passed Military & Local Affairs Policy*)

**SB 2038** – Exceptional Students by Detert (Similar to **HB 7089** by Legg)

The bill requires the State Board of Education to comply with the Individuals with Disabilities Education Act (IDEA) and federal regulations after evaluating and determining that the act is consistent with specific principles. The bill revises the appellate review options, in conformity with IDEA, of adversely affected parties to eliminate review in which the parties are prohibited from introducing additional evidence. The bill codifies federal law with respect to the removal and placement of a student with disabilities who violates the district school board code of conduct and the grounds for such removal or placement. In addition, the bill defines the terms "weapon" and "controlled substance" in conformity with IDEA for purposes of disciplining students with disabilities.

**Status:** Passed Education PreK-12 with 1 technical amendment

**SB 2254** – Public School Funding by Detert (Compare to **HB 803** by Dorworth)

The bill authorizes each district school board to expend specified funds from its operating budget as nonrecurring expenditures allocated in the 2009-2010 General Appropriations Act. Specified funds include funds for safe schools, supplemental academic instruction, supplemental reading instruction, the Teachers Lead Program, and the Florida School Recognition Program. In order to expend funds for operating expenses, a school board must adopt a resolution which finds that the funds are urgently needed to maintain school board operating expenses. These provisions are repealed June 30, 2010 unless reauthorized for subsequent fiscal years. The bill also deletes the expiration date for the flexible use of capital millage funds for property and casualty insurance and driver's education and maintenance vehicles.

**Status:** Passed Education PreK-12