



# Florida School Boards Association

*The voice of education in Florida.*

## **Policy and/or Procedure Implications of Selected Education Related Bills**

*2016 Florida Legislative Session*

Nearly every education related bill that passed during the 2016 Legislative Session could have an impact on the policies of one or more school districts. Below is a list of the more significant bills with the specific provisions that may require district revisions to existing policies and procedures. For your convenience, each bill number is linked to the full text of the bill. Please keep in mind that this does not represent a full summary of any of these bills – detailed summaries of these and other bills are available in our [FSBA 2016 Legislative Session Summary Part II: Education Legislation](#).

### **HB 229 – Bullying and Harassment Policies in Schools**

- Requires each school district to review their bullying and harassment policy at least every three years and specifies the stakeholders that must be involved in the policy review.
- Specifies that the policy must be implemented “by each school principal” in a manner that is ongoing throughout the school year.
- Requires a procedure for “receiving reports of an alleged act” (rather than “reporting an act”) of bullying or harassment.
- Requires that the policy include a “list of programs authorized by the school district” that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

### **HB 273 – Public Records**

- Requires each public agency contract for services entered into or amended after July 1, 2016 to include specified information and instructions with regard to the agency’s custodian of public records.
- Revises provisions relating the transfer of public records to the public agency upon termination of the contract to authorize the contractor to keep and maintain the public records and to require the contractor to meet all applicable requirements for retaining public records.
- Outlines the procedure to follow in cases of a request for public records which are in the possession of the contractor and for any legal action that may ensue for the failure to produce the public records.

### **SB 350 – Procurement Procedures for Educational Institutions**

- Requires that, before purchasing certain commodities and services, the school board must review the purchasing agreements and state term contracts to determine if there is economic advantage to use the agreements and contracts.
- Requires each bid specification to include a statement indicating that the purchasing agreements and state term contracts have been reviewed.
- Authorizes each district school board to make purchases through an online procurement system, an electronic auction service, or other efficient procurement tool.

### **SB 436 – Crime of Making Threats of Terror or Violence**

- Amends statutory provisions that prohibit making false reports concerning planting a bomb, explosive, or weapon of mass destruction to include a prohibition against making a false report concerning use of a firearm in a violent manner.
- Creates a new section of law making it a crime to threaten specified individuals – including a law enforcement officer or elected official, or any member of their family – with death or serious bodily harm and provides escalating penalties for the offense.
- Reenacts statutes relating to district policies relating to the code of student conduct and zero tolerance to incorporate these new provisions.

### **HB 585 – Instruction for Homebound & Hospitalized Students**

- Requires that, at least once every 3 years, the school board must submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.
- Provides that eligible students receiving treatment in a children's specialty hospital must be provided educational instruction from the school district in which the hospital is located until the school district enters into an agreement with the school district in which the student resides.
- Provides that, no later than August 15, 2016, each school district in which a children's specialty hospital is located must enter into an agreement with the hospital which establishes a process by which the hospital must notify the school district of students who may be eligible for instruction.

### **SB 672 – Educational Options**

- Revises eligibility requirements for the Gardiner Scholarship Program (formerly known as the Florida Personal Learning Scholarship Accounts Program).
- Provides that, upon request of a parent of a student with a disability who does not have an IEP or who seeks a reevaluation of an existing IEP, the school district is required to complete the IEP and matrix of services within 30 days after receiving notice of the request and must provide the student's parent and the DOE with the student's matrix level within 10 calendar days (rather than school days) after its completion.
- Codifies the Standard Student Attire Incentive Program and requires participating districts to adopt policies that include specified provisions.

### **HB 701 – Art in the Capitol Competition**

- Requires each school district to annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 - 8.
- Establishes procedures for judging the district competitions and for the submission of winning artwork for display in the state Capitol.

### **HB 837 – Education Programs for Individuals with Disabilities**

- Amends provisions relating to home education programs to require (rather than authorize) DOE to make testing and evaluation diagnostic services available to home education program students, including student with disabilities, at diagnostic and resource centers.
- Provides that a school district may provide exceptional student education-related services, as defined in SBE rule, to a home education program student with a disability who is eligible for the services and who enrolls in a public school solely for the purpose of receiving those services.

### **HB 1219 – Veterans' Employment**

- Authorizes each political subdivision of the state to develop and implement a written veterans' recruitment plan that establishes annual goals for ensuring the full use of veterans and their family members in the political subdivision's workforce.

### **HB 1305 – Emergency Allergy Treatments in Schools**

- Authorizes a public school to purchase a supply of epinephrine auto-injectors from a wholesale distributor or manufacturer.
- Requires that epinephrine auto-injectors are maintained in a secure location (rather than "locked secure location") on the school's premises.

### **HB 7071 – Public Corruption**

- Deletes the term "corruptly" and replacing it with the term "knowingly and intentionally" in several sections of law.
- Expands the application of provisions relating to official misconduct and bid tampering to include public contractors.

## **HB 7029 – Education**

### **Local Authority**

- Requires that dues paid to a membership association are assessed for each elected or appointed public officer and, if a public officer elects not to join the membership association, the dues assessed for that public officer may not be paid to the membership association.
- Authorizes school board members to visit schools, observe the management and instruction, give suggestions for improvement, and advise citizens.
- Provides that each student must be informed by a written notice published in the student handbook or a similar publication (rather than “posting a notice in a conspicuous place”) that the student has the right not to participate in reciting the pledge.

### **Assessment & Accountability**

- Requires that each school’s report card that is provided to parents must include a school financial report that indicates the average amount of money expended per student in the school. This financial report must also be included in the student handbook or a similar publication.
- Modifies the Credit Acceleration Program (CAP) to require a school district to award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding end-of-course assessment, AP Exam, or CLEP test. Home education students must be permitted to take an assessment or exam during the regular administration of such assessment or exam.
- Replaces the term “Preliminary ACT (PLAN)” with “ACT Aspire” to reflect updated terminology.

### **Charter Schools**

- Requires charter applications to include specified information about the applicant that the sponsor must consider in deciding to approve or deny the application.
- Prohibits a sponsor from charging an application fee under certain circumstances.
- Allows a charter school to defer the opening of the school's operations for up to 2 years.
- Requires that, upon approval of the charter contract, a charter school must provide the sponsor with monthly financial statements so that the sponsor must monitor for possible deteriorating financial conditions and financial emergencies.
- Requires school boards to make payments to charter schools on a specified schedule and prohibits the school board from delaying certain payments due to the timing of the receipt of funds.

### **Controlled Open Enrollment**

- Requires, rather than authorizes, each school district to establish a controlled open enrollment process that is operational by the 2017-2018 school year.
- Requires each district school board to adopt by rule and post on its website the process required to participate in controlled open enrollment. The process must address specified provisions.
- With some limitations, requires the process to allow a parent from any school district in the state to enroll his or her child in, and transport his or her child to, any public school, including charter schools, that has not reached capacity.
- In determining capacity, the district school board must consider class size requirements and must incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs.
- Requires each school board to provide preferential treatment to dependent children of active duty military personnel, children in foster care, children subject to changes in parental custody, and students residing in the school district.
- Specifies that students living in the district may not be displaced by a student from another district.
- Specifies that a student who transfers may remain at the school chosen by the parent until the student completes the highest grade level at the school.
- Requires each school board to report the number of students exercising choice.

## HB 7029 – Education (continued)

### High School Athletics and Extracurricular Programs

- Provides that a school district or charter school may not delay eligibility or otherwise prevent a student participating in controlled open enrollment or a choice program from being immediately eligible to participate in interscholastic and intrascholastic extracurricular activities. **[NOTE: For the 2016-2017 school year, this applies to existing open enrollment/choice programs. The expanded controlled open enrollment process described above does not go into effect until 2017-2018.]**
- Defines the term "eligible to participate" to include, but not be limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests. The term does not mean that a student must be placed on any specific team for interscholastic or intrascholastic extracurricular activities.
- Prohibits a student from participating in a sport if the student participated in that same sport at another school during that school year, unless the student meets specified criteria for exemption.
- Authorizes a private school student to participate in a sport at public high school even if the private school is not a member of FHSAA and even if the private school offers the athletic program.
- Allows a student who transfers during the school year to seek to immediately join an existing team if the roster for the specific interscholastic or intrascholastic extracurricular activity has not reached the activity's identified maximum size and if the coach for the activity determines that the student has the requisite skill and ability to participate.
- Requires the school board to establish student eligibility standards and related student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities and specifies elements that must be incorporated into the code of student conduct.
- Requires FSHAA to allow a private school to join FHSAA by sport and also maintain membership in another athletic association and to allow a public school the option to apply to join another athletic association.
- Establishes escalating penalties for recruitment violations by a district employee or contractor.
- Provides that violations must be established by a preponderance of evidence (rather than clear and convincing evidence).

### Programs and Curriculum

- Allows parents of certain children to defer enrollment in a VPK Program for one year.
- Authorizes alternatives to satisfy online course requirements for a standard high school diploma.
- Beginning with the 2017-2018 school year, requires a school district to add four special consideration points to the calculation of a matrix of services for a student who is deaf and enrolled in an auditory-oral education program.
- Creates the Florida Seal of Biliteracy Program to recognize students who achieve specified performance requirements in English and a foreign language.

### Personnel

- Requires each school district board to establish a transfer process for a parent to request his or her child be transferred to another classroom teacher. An explanation of this process must be available in the student handbook or a similar publication.
- Requires each school district to report out-of-field teachers on the district's website and authorizes a parent whose student is assigned an out-of-field teacher to request that his or her child be transferred to an in-field classroom teacher. An explanation of the transfer process must be available in the student handbook or a similar publication.
- Creates an optional program for continuing education and inservice training for youth suicide awareness and prevention.
- Clarifies that a retired member of FRS may interrupt retirement and be reemployed as instructional personnel under a 1-year probationary contract and subsequently may be eligible for an annual contract, but specifies that the retiree is not eligible for a professional service contract.

## [HB 7029](#) – Education (*continued*)

### Facilities and Construction

- Amends eligibility, calculation, and distribution of charter school capital outlay funding.
- The bill makes several revisions to policies and procedures relating to the Special Facilities Construction Account program.
- Requires school districts to maintain accurate documentation related to the costs of all new construction of educational plant space reported to DOE and directs the Auditor General to review this documentation and verify compliance with the cost per student station limits during its scheduled operational audits of the school district.
- Provides that, effective July 1, 2017, a district school board may not use funds from **any** sources for new construction of educational plant space with a total cost per student station, including change orders, which equals more than the current adjusted cost per student station amounts. A school district that exceeds the cost per student station limits, as determined by the Auditor General, shall be subject to specified sanctions.
- Authorizes a school board, with a supermajority vote, to adopt a resolution to implement one or more specified exceptions to SREF requirements.

### Funding

- Repeals provisions relating to performance funding tied to passage of an EOC assessment.
- Provides that a student who receives instruction in a school that operates for less than the minimum term shall generate full-time equivalent student membership proportional to the amount of instructional hours provided by the school divided by the minimum term requirement.
- Provides for the recalculation of ESE Guaranteed Allocation once during the year based on the actual student membership from the October FTE survey.
- Revises provisions relating to a student who earns certain certifications through a dual enrollment course to ensure that the bonus value is funded in the same manner as other nondual enrollment course industry certifications.
- Revises CAPE Industry Certification bonuses and weights.
- Codifies the Federally Connected Student Supplement.

For more information, please visit our [2016 Legislative Session](#) section of the [FSBA Resource Room](#).