

# FLORIDA SCHOOL BOARDS ASSOCIATION

Legislative Briefing Bill Packet



*The voice of education in Florida.*

February 7, 2018

***[Editor's Note: FSBA is very grateful for the assistance of the dedicated members of the Florida Education Legislative Liaisons for their help in assembling these bill summaries and in presenting these bills!]***

## Education Funding

### HB 5001 – 2018-2019 General Appropriations Act (SB 2500)

*(See side-by-side comparison of the highlights of the Senate and House Education Appropriations)*

### HB 5007 – State Administered Retirement Systems (SB 7014)

The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2018. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability (UAL) of the FRS. The results of the annual actuarial valuation are expected to have a total negative fiscal impact of \$176.2 million in fiscal year 2018-19. The public employers that will incur these additional costs are state agencies (\$33.3 million), state universities and colleges (\$11.9 million), school districts (\$54.4 million), counties (\$66.5 million), and certain municipalities and other governmental entities (\$10.1 million).

### Education Appropriations Conforming Bills:

### HB 7055 – Education by Education Committee (Summary by Joy Frank, FADSS General Counsel)

#### **Section 1. Amends s. 11.45 – Definitions; duties; authorities; reports; rules.**

Requires school board to provide information on corrective action to Auditor General within 45 days and completion of corrective action within 180 days. If unable to correct, Auditor General notifies Legislative Auditing Committee.

#### **Section 2. Amends s. 112.313 – Standards of conduct for public officers, etc.**

Expands lobbying limitation to include appointed superintendent.

#### **Section 3. Amends s. 112.31455 – Collection Methods for unpaid automatic fines, etc.**

Adds district school board as an entity from which unpaid fines imposed by the Commission on Ethics may be collected.

#### **Section 4. Creates s. 212.1832 – Credit for contributions for the Hope Scholarship Program.**

Relates to Hope Scholarship Program. Authorizes purchaser of motor vehicle to be granted credit of 100 percent of an eligible contribution made to an eligible scholarship-funding organization.

#### **Section 5. Amends s. 213.053 – Confidentiality and information sharing.**

Authorizes the Department of Revenue to provide an eligible nonprofit scholarship-funding organization a dealer's name and other information related to differences between credits taken by the dealer and amounts remitted to the scholarship-funding organization. Confidentiality of information is maintained.

#### **Section 6. Creates s. 250.483 – Active duty; licensure or qualification.**

Provides that members of the National Guard who are called up and his/her training in apprenticeship, etc. programs is interrupted or delayed, he/she is entitled to the qualifications relating to licensure in place at the time of entrance into active duty.

#### **Section 7 – Amends s. 446.041 – Apprenticeship program, etc.**

Requires the Department of Education to lead and coordinate outreach efforts to education veterans about apprenticeship and other career opportunities.

#### **Section 8 – Amends s. 446.081 – Limitation**

Ensures that nothing in a certain approved apprentice agreement shall invalidate any special provision for veterans, minority person, or women in the standards, qualifications, or operation of the apprenticeship program.

**Section 9. Creates s. 683.147 – Medal of Honor Day**

Authorizes the Governor to annually issue a proclamation designating March 25 as Medal of Honor Day and calling upon public schools, etc. to commemorate such day, etc.

**Section 10. Amends s. 1001.10 – Commissioner of Education; general powers and duties.**

Authorizes commissioners to coordinate with education institutions during emergency. (SB 436 by Galvano)

**Section 11. Amends s. 1001.20 – Department under direction of state board.**

Requires Inspector General to investigate allegations or report of possible fraud/abuse against district school board made by any Cabinet member; Senate President, House Speaker, Chair of any committee with jurisdiction; or a member of the board for which an investigation is sought. (Part of HB 1279)

**Section 12. Amends s. 1001.39 – District school board member members; travel expenses.**

Requires prior approval for travel of school board members outside the district and extensive documentation for request for travel.

**Section 13. Amends s. 1001.395 – District School board members; compensation.**

Limits school board member salaries to district’s beginning teacher salary.

**Section 14. Amends s. 1001.42 – Powers and duties of district school board.**

Expands standards of ethical conduct to all administrative personnel. School board members may request and shall receive budget documents. Requires school district to employ internal auditor if federal, state and local funds are in excess of \$500 million. Requires duties of the internal auditor to include oversight of every functional and program area of the school system.

**Section 15. Amends s. 1001.51 – Duties and responsibilities of district school superintendent.**

Authorizes superintendent to recommend independent governing board.

**Section 16. Amends s. 1002.33 – Charter schools**

**(6) Application Process and Review –**

Authorizes a charter school to defer the opening of a school for up to 3 years rather than 2.

**(7) Charter –**

Extends initial term of charter to 5 years, excluding 1 planning year. Net increase is from 4 to 6 years.

Authorizes consolidation of a charter school regardless of whether physically located on the same campus. Also, a charter school with a grade of “C” or higher that closes as part of a consolidation shall be reported by the district as a consolidation.

**(8) Causes for Nonrenewal or Termination of Charter.**

The sponsor may only terminate by using “clear and convincing” standard. This is a higher standard of proof than “preponderance” standard that is used in all civil cases.

The more troubling change is the requirement is that, in a nonrenewal or termination of a charter, the school board is required to go to DOAH instead of the school board having the authority to conduct the hearing. The school board is an elected body and should have the authority to nonrenew/terminate its own contract. This will have a chilling effect on school board negotiating with charters. This is analogous to a local government (city council/county government) being required to go to DOAH over a contract for garbage collection; ambulance services, etc.). The language also would require the administrative law judge to award the prevailing party attorney fees and costs and appeals. This is a further chilling effect on school board’s authority to negotiate with charters regarding renewal or termination.

In addition, DOAH issues recommended orders, not final orders to the school board. The school board, as the elected body, then makes the final order from which an appeal can be made. This change hamstrings local, elected officials from performing their duties. Finally, it is a time consuming and expensive process.

**(20) Services**

Requires an appeal to DOAH when mediation has failed to resolve disputes over contracted services. Current law requires a dispute resolution before the Charter School Appeal Commission.

**Section 17. Amends s. 1002.331 – High-performing charter schools.**

Reduces the number of years before which a school can be designated high-performing – school received at least two consecutive grades of “A” in the most recent 2 years.

Authorizes the charter school to increase capacity. There is no cap on enrollment.

Authorizes a high-performing school to establish 2 rather than just 1 charter school within the state in any one year.

**Section 18. Amends s. 1002.333 – Persistently low-performing schools.**

**(10) Schools of Hope Program.**

Allows funds to be carried over for 5 years.

**Section 19. Amends s. 1002.37 – Florida Virtual School.**

Expands to military dependents who are not stationed in Florida but Florida is home of record/legal residence.

Expands requirement that industry certification examinations, national assessments be made available to all Florida Virtual School students.

**Section 20. Amends s. 1002.385 – The Gardiner Scholarship**

Authorizes funds to be used for tuition for full- or part-time enrollment. Expands eligibility for tuition or fees for specific programs for children with neurological disorders or brain damage. Provides some additional accountability.

**Section 21. Amends s. 1002.39 – McKay Scholarship**

Deletes language that is then consolidated into another section.

**Section 22. Amends s. 1002.395 – Florida Tax Credit Scholarship**

Deletes language that is then consolidated into another section.

**Section 23. Creates s. 1002.40 – The Hope Scholarship**

Creates the Hope Scholarship Program. See HB 1 for specific language. Major provisions:

The bill establishes the Hope Scholarship Program (HSP), which provides the parent of a public school student subjected to an incident at school the opportunity to transfer the student to a public school within the school district, receive a scholarship to transport the student to a public school in another school district, or receive a scholarship for the student to attend a private school. For purposes of the program an incident includes battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, battery, threat, intimidation, or fighting at school. School means any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), F.S., including waiting at a school bus stop.

Beginning with the 2018-2019 school year, contingent upon funds, scholarships are awarded on a first-come, first-served basis. A student is ineligible for the HSP if the student is:

- Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, a developmental research school or a charter school;
- Enrolled in a Department of Juvenile Justice commitment program;
- Enrolled in a virtual school, correspondence school or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to two courses per school year; or
- Receiving any other state sponsored K-12 educational scholarship.

Once an incident is reported to the school principal, the school principal must provide a copy of the incident report to the parent and investigate the incident to determine if the incident must be reported to the DOE. Upon conclusion of the investigation or within 15 days after receipt of the report of the incident, whichever occurs first, the school district must notify the parent of the HSP and offer that parent an opportunity to enroll their student in another public school or to receive a Hope Scholarship to attend an eligible private school. If the student enrolls in a public school outside the district, the student is eligible for a transportation scholarship limited to \$750. The Department of Education must contract with an independent entity to conduct an annual evaluation of the program. The entity must review the school climate and code of student conduct at each public school at which 10 or more students transferred to another public school or private school using the scholarship to determine areas for improvement. The review must include an assessment of the investigation of incidents; analysis of school incident and discipline data; the effectiveness of communication with students, parents, and personnel; and challenges and obstacles to implementing recommendations. The entity must also identify best practices from the schools to which students transferred.

The entity will also review the performance of participating students enrolled in private schools at which at least 51 percent of total enrolled students are program participants. Parents of participating students will be surveyed to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident or use of the scholarship.

The bill requires school districts to notify scholarship students in private schools who wish to participate in the statewide student assessment program or the Florida Alternate Assessment of the locations and times to take all statewide assessments.

Private schools that participate in the HSP must meet the same requirements for participation established by Florida Tax Credit Scholarship Program.

Likewise, the commissioner has the same duties and responsibilities over private schools established in the Florida Tax Credit Program.

A participating SFO will be governed by the same statutory requirements as outlined in the Florida Tax Credit Scholarship Program.

The bill requires the Auditor General (AG) to conduct an annual operational audit of accounts of each participating SFO, which must include a verification of students served and transmission of that information to the DOE. The AG also must notify the DOE of any SFO that fails to comply with a request for information.

The scholarship amount is calculated as a percentage of the unweighted FTE as follows:

- Eighty-eight percent for students in grades K-5.
- Ninety-two percent for students in grades 6-8.
- Ninety-six percent for students enrolled in grades 9-12.

The HSP is funded by taxpayers who make an eligible contribution to a scholarship funding organization. The eligible contribution provides the taxpayer with a credit against any tax due as a result of the purchase or acquisition of a motor vehicle. The credit may not exceed the amount of taxes owed. Each eligible contribution is limited to a single payment of \$105 at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer. The purchaser elects whether or not to contribute at the time of the purchase or registration of the vehicle.

Contributions must be made to a dealer at the time of purchase or to an agent of the Department of Revenue (DOR) at the time of registration, if the vehicle was not purchased from a dealer.

#### **Section 24. Creates s. 1002.411 – Reading Scholarship Account**

The bill establishes Reading Scholarship Accounts to provide funds for public school students to purchase certain programs or services that will assist them in improving their reading skills. Eligibility for an account is limited to students in grades 3 through 5 who scored below a Level 3 on the Grade 3 or Grade 4 statewide, standardized English language arts (ELA) assessment in the previous school year.

The scholarship must be offered on a first-come, first-served basis, contingent upon available funds. In order to participate, the parent and student must:

- Submit an application to an eligible scholarship funding organization by the deadline established by the scholarship funding organization;
- Submit eligible expenses to the scholarship funding organization for reimbursement of qualifying expenditures, which may include:
  - a. Instructional materials;
  - b. Curriculum, which means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction;
  - c. Tuition and fees for part-time tutoring services provided by a person who holds a baccalaureate degree in the subject area; a person who holds an adjunct teaching certificate; or a person who has demonstrated a mastery of subject area knowledge;
  - d. Fees for summer education programs;
  - e. Fees for after-school education programs; or specialized services by approved providers or by a hospital in this state which are selected by the parent and may include, but are not limited to:
    - i. Applied behavior analysis services;
    - ii. Services provided by speech-language pathologists;
    - iii. Occupational therapy services;
    - iv. Services provided by physical therapists; and
    - v. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.
- Be responsible for the payment of all eligible expenses in excess of the amount in the account and the terms agreed to between the parent and the providers; and
- Not receive any refund or rebate of any expenditures made in accordance with the purchase of allowable services.

The program must be administered by a scholarship funding organization (SFO) that is eligible to participate in the FTC.

By September 30, the school district must notify the parent of each student in grades 3 through 5 who scored below a Level 3 on the assessment in the previous school year of the process to request and receive a scholarship. The bill provides the DOE the same oversight responsibilities as those required in existing scholarship programs. The DOE must provide a student's scholarship funds to the organization once the organization has notified the DOE of a student's eligibility. The maximum amount of the scholarship for a student must be provided in the General Appropriations Act and 100 percent of the funds must be released to the DOE at the beginning of the first quarter of each fiscal year.

**Section 25. Amends s. 1002.421 – State school choice scholarship program accountability and oversight.**

Provides program accountability and oversight for all of the state school choice scholarship programs.

**Section 26. Amends s. 1003.42 – Required Instruction.**

Includes sacrifices of Medal of Honor recipients as required instruction.

**Section 27. Amends s. 1003.576 – Individual education plans for exceptional students.**

Deletes date for establishment of operating electronic IEP system. Identical to SB 1618 by Hukill

**Section 28. Amends s. 1006.07 – District school board duties relating to student discipline and school safety.**

Requires security risk assessment to be conducted at each public school. See SB 1616 by Hukill.

**Section 29. Amends s. 1007.271 – Dual enrollment program.**

Deletes language that requires home education students to be responsible for the cost of instructional materials.

**Section 30. Amends s. 1008.22 – Student assessment program for public schools.**

Requires reading passages and writing prompts to incorporate social studies curricula.

Expands administration of assessments in a paper-based format through 8<sup>th</sup> grade (currently 6<sup>th</sup>).

**Section 31. Amends s. 1010.20 – Cost accounting and reporting for school districts.**

Requires districts to report detailed information by school and district relating to total operating costs and expenditures for classroom instruction. Requires DOE to develop web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures. (See HB 1279)

**Section 32. Amends s. 1010.30 – Audits required**

Requires audit overview if there is a significant “deficiency or material weakness” rather than just a “finding.”

**Section 33. Amends s. 1011.01 – Budget system established.**

Technical.

**Section 34. Amends s. 1011.03 – Public hearings; budget to be submitted to Department of Education**

Repeals advertisement requirement relating to classroom expenditures.

**Section 35. Amends s. 1011.035 – School district fiscal transparency.**

Requires the development of graphical representations for each school and school district of specific information relating to costs per student. The language also requires a link to a web-based fiscal transparency tool developed by DOE to enable taxpayers to evaluate the financial efficiency of the district and school.

**Section 36. Amends s. 1011.051 – Guidelines for general funds.**

Requires the superintendent to reduce the district’s administrative expenditures in proportion to the reduction in the general fund’s ending balance or the reduction in student enrollment, whichever is greater if the ending fund balance falls below 3 percent.

Also requires an audit if certain conditions existed in the 2015-2016 fiscal year in a district.



**Section 37. Amends s. 1011.06 – Expenditures from District and other funds.**

Limits the ability of a school board to exceed an amount budgeted by function and object unless in compliance with requirements limiting expenditures for travel outside the district and cell phone service.

**Section 38. Amends s. 1011.09 – Expenditure of funds by district school board.**

If financial conditions in s. 1011.051 exist (projected to fall below 3 or 2 percent) the school board may not make expenditures for out of district travel or cell phone service. Current law was limited to the 2009-2010 fiscal year and for out of state travel.

**Section 39. Amends s. 1011.10 – Penalty**

If any of the conditions identified in s. 218.503(1) exist, the salary of each board member and superintendent must be withheld until the conditions are corrected.

The conditions are as follows:

(1) Local governmental entities, charter schools, charter technical career centers, and district school boards shall be subject to review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, or the Commissioner of Education, as appropriate, when any one of the following conditions occurs:

- (a) Failure within the same fiscal year in which due to pay short-term loans or failure to make bond debt service or other long-term debt payments when due, as a result of a lack of funds.
- (b) Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds.
- (c) Failure to transfer at the appropriate time, due to lack of funds:
  - 1. Taxes withheld on the income of employees; or
  - 2. Employer and employee contributions for:
    - a. Federal social security; or
    - b. Any pension, retirement, or benefit plan of an employee.
- (d) Failure for one pay period to pay, due to lack of funds:
  - 1. Wages and salaries owed to employees; or
  - 2. Retirement benefits owed to former employees.

**Section 40. Amends s. 1011.60 – Minimum requirements of the Florida Education Finance Program.**

Repeals Minimum Classroom Expenditure Requirements.

**Section 41. Amends s. 1011.62 – Funds for Operation of Schools.**

Amends the SAI allocation to require that school districts with a “D” or “F” school use the allocation to implement the required intervention and support strategies for school improvement. Language requiring the extra hour for the 300 lowest-performing elementary schools in reading is deleted. SAI funds may be used for dropout prevention programs.

Removes dropout prevention programs as a group 1 program.

Prohibits a bonus for a teacher who fails to maintain security for any CAPE industry certification exams; etc.

Research-Based Reading Instruction Allocation is amended to provide that each school that has one or more of the 300 lowest-performing elementary schools in reading based on a 3-year average of the state assessment shall be given priority is using the school’s portion to provide an additional hour per day of reading instruction. Level 4 or 5 students may participate (formerly just level 5).

Summer reading camps must use teachers who are certified or endorsed in reading. Each district that has a school with a grade below a “B” must annually submit a comprehensive reading plan that is approved by DOE as part of the monitoring, intervention, and support strategies required under s. 1008.33.

**Section 42. Amends s. 1011.6202 – Principal Autonomy Program Initiative.**

Pilot status is removed. Authorizes a principal to operate other schools. Authorizes a school within a district to be operated by an independent governing board that is exempt from major provisions of the school code. The school remains exempt as long as the school receives a grade no lower than a “B.” Also establishes District-Independent Autonomous Schools.

**Section 43. Repeals s. 1011.64 - School District Minimum Classroom Expenditure Requirements.**

**Section 44. Amends s. 1011.69 – Equity in School-Level Funding Act. (Title I)**

The bill clarifies that when districts distribute Title I funds to schools above the 75% poverty threshold, the 75% may include high schools above the 50% threshold as permitted by federal law.

The bill specifies that a district may also withhold a necessary and reasonable amount of Title I funds, not to exceed 1%, for Title I schools to provide:

- Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and
- Supplemental academic and enrichment services, as well as wrap-around services.

The bill also provides that eligible schools, not including charter schools, can use their Title I distribution of funds for district level educational services that the district may provide. Funds provided by eligible schools for district level educational services may not be included in the 1% limitation.

**Section 45. Amends s. 1011.71 – District School Tax**

Adds language providing that payments under lease-purchase agreements in the aggregate, including lease-purchase agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the millage levied pursuant to this subsection, the school board may not withhold the administrative fees from charter schools operating in the district.

**Section 46. Amends s. 1012.23 – School district personnel policies.**

The language would prohibit a school superintendent from appointing or employing a relative as defined in s. 112.3135 to work under his or her direct supervision. Commission on Ethics must investigate any alleged violations. Current language applies to school board members.

A relative is defined as: (d) “Relative,” for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

**Section 47. Amends s. 1012.2315 – School district personnel policies.**

This adds language relating to employee organizations and bargaining. See HB 25 by Plakon.

**Section 48. Amends s. 1012.28 – Public school personnel; duties of school principals. Technical.**

**Section 49. Amends s. 1012.32 – Qualifications of personnel.**

Relates to background screening. If the school board does not notify the charter school of the eligibility of governing board members and instructional and noninstructional personnel within 14 days after submission of the fingerprints, it shall reimburse the cost of background screening.

**Section 50. Amends s. 1012.55 – Positions for which certificates are required.**

Requires DOE to issue a 3-year temporary certificate in educational leadership to commissioned or noncommissioned military officers who meet specified requirements. Also JROTC instructors may receive Teacher Classroom Supply funds.

**Section 51. Amends s. 1012.56 – Educator certification requirements.**

Requires the SBE to adopt rules that extended a temporary certificate due to military service of an applicant's spouse. In addition, the rules must authorize the extension of the validity period of a temporary certificate for 1 year if the certificate holder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner.

**Section 52. Amends s. 1012.562 – School leader preparation programs.**

Authorizes charter schools or charter management organizations to offer school leader preparation programs.

**Section 53. Amends s. 1012.59 – Certification fees.**

Authorizes SBE to waive certain fees for certain military personnel, surviving spouses, and veterans.

**Section 54. Amends s. 1012.98 – School Community Professional Development Act.**

Requires that professional development resources must include sample course-at-a-glance and units overview templates; etc. See HB 845 by Bileca.

**Section 55. Amends s. 1013.28 – Disposal of property.**

Requires that tangible personal property that is surplus, etc., must be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school may not sell or dispose of such property without written permission of the district.

**Section 56. Amends s. 1013.385 – School district construction flexibility.**

Authorizes a school to operate a facility on the same basis as a charter school so long as the regional planning council determines there is sufficient shelter capacity within the district as documented in the Statewide Emergency Shelter Plan.

**Section 57. Amends s. 1013.62 – Charter schools capital outlay funding.**

Deletes language specifying the charter school capital outlay funding consists of discretionary millage revenue. However, if the amount of state funds appropriated for charter school capital outlay in any fiscal year is not equal to or is less than the average charter school capital outlay funds per UWFTE student for the 2018-2019 school year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the CPI from the previous fiscal year, charter school capital outlay funding shall also consist of discretionary millage.

**Section 58. Makes following appropriations:**

\$19,350,000 in recurring funds from GR and \$850,000 in nonrecurring funds to DOE.

- \$9,700,000 shall be for Reading Scholarship Accounts.
- \$300,000 for administrative fee.
- \$2,000,000 for Reading Scholarships.
- \$5,600,000 for paper-based assessments.
- \$950,000 for additional oversight requirements.
- \$250,000 for a competitive grant award.
- \$550,000 for instructional materials for home school students.
- \$750,000 for web-based fiscal transparency tool.
- \$100,000 for specified audit

**Section 59. Authorizes DOR to adopt emergency rules.**

**Section 60. July 1, 2018, effective date.**

**Status:** Placed on House Special Order Calendar for 2/7/18

## **HB 5101 – PreK-12 Education Funding**

The bill amends provisions relating to the Just Read, Florida! Office to:

- Repeal the requirement for the Just Read, Florida! Office to review and approve K-12 comprehensive reading plans and to provide technical assistance with their implementation. Instead, such plans will be reviewed and approved by the Department of Education as part of the monitoring, intervention, and support strategies required under s. 1008.33, F.S.

The bill amends provisions relating to the Schools of Hope Program to:

- Allow for the same carry forward provision for any funds not disbursed by June 30 of the fiscal year in which the funds are allocated for the Schools of Hope Program fund that funds the traditional public school grant program and the schools of hope statutorily identified expenditures.

The bill modifies the FEFP Supplemental Academic Instruction (SAI) allocation by:

- Deleting the requirement that the 300 lowest-performing elementary schools based on the statewide reading assessment must use their portion of the SAI allocation to implement an extra hour of intensive reading instruction.
- Requiring that each school district that has a school earning a grade of “D” or “F” pursuant to s. 1008.34, Florida Statutes, use that school’s portion of the SAI allocation to implement the intervention and support strategies required pursuant to s. 1008.33, F.S. For all other schools, the school district may use the SAI for eligible purposes currently described in law.

The bill revises provisions relating to the Reading Allocation to:

- Modify the identification of the 300 lowest-performing elementary schools based on based on a three-year average of the statewide reading assessment data.
- Allow the extra hour to be optional for students scoring Level 4 or Level 5 on the reading assessments.
- Require summer reading camps to be taught by someone certified or endorsed in reading.
- Require only school districts that have a school earning a grade of “D” or “F” to submit a comprehensive reading plan. The review and approval process will now be done as part of the Department of Education’s monitoring, intervention, and support strategies required as part of school improvement pursuant to s. 1008.33, F.S.
- Eliminate the Department of Education’s ability to withhold funds.

The bill revises provisions relating to the Principal Autonomy Pilot Program Initiative (PAPPI) to:

- Expand the PAPPI to all school districts who apply and receive approval by the State Board of Education instead of just the seven school districts identified in statute.
- Delete the term “pilot” (acronym now “PAPI”).
- Make participation in the program contingent upon available funds, on a first-come, first-served basis.
- Delete the requirements for selected pilot school districts and the Commissioner of Education to submit an annual report on the implementation of the pilot program.

The bill revises provisions relating to school district charter school capital outlay funding to:

- Modify the calculation methodology for distribution of the discretionary 1.5 millage revenue to eligible charter schools by clarifying that the debt service obligation that can be reduced from the distribution is the debt service obligation incurred by March 1, 2017, which has not subsequently been retired.
- Require school districts to annually certify by October 1 the amount of debt service obligation that complies with the change in the calculation methodology and eligible participation requirement to the Department of Education and requires the Auditor General to verify compliance during scheduled operational audits of school districts.

**Status:** Filed as a Committee Bill; awaiting hearing in one committee of reference

**SB 2508 – PreK-12 Education** (Summary by Joy Frank, FADSS General Counsel)

**Section 1 – Amends s. 1002.333 relating to Persistently low-performing schools.**

Revises the definition of “persistently low-performing school” to mean a school that has completed 2 school years of a district-managed turnaround plan and has not improved its grade to a “C” or higher.

Revises the definition of “school of hope” and requires that the school be located in the attendance zone of a persistently low-performing school. Removes the authority to be within a 5-mile radius of such school.

A “school of hope” could also be a school operated pursuant to a district selection as a district turnaround option for persistently low-performing schools that did not improve. This school would be eligible for hope funds.

A hope operator seeking to open a school of hope must submit a notice of intent that includes all of the statutory criteria. New/modified criteria include the requirement to provide the specific location for the proposed school or the plan to use the district-owned facilities of the persistently low-performing school. An operators plan specifying the operator’s intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

Facilities – A school of hope that is located within the zoned-area must use facilities that comply with the Florida Building Code, except for SREF. A school of hope that is selected as one of the district-managed turnaround options and receives hope supplemental services must use the district-owned facilities of the persistently low-performing school. The school of hope must comply with SREF only if the district and hope operator have entered into a mutual management plan for the reasonable maintenance of the facilities. The mutual management plan must contain a provision specifying that the school board agree to maintain the school facilities in the same manner as other public schools within the district.

Funding – Schools of hope that open within the zone of the persistently low-performing school are eligible for receive funds form the Schools of Hope Program. Schools of hope that are selected by a district as a turnaround option are eligible to receive funds from the hope supplemental services allocation.

The \$2,000 per FTE is replaced with a hope supplemental services allocation.

**Section 2. Creates s. 1002.334, F.S., relating to Franchise Model Schools.**

A “franchise model school” is defined as a persistently low-performing school led by a highly effective principal in addition to the principal’s currently assigned school. If a franchise model school achieves a “C” or higher, the school may retain its status as a franchise model school at the discretion of the district. A district that has one ore more persistently low-performing schools may use a franchise model school as a school turnaround option. A franchise model school principal must be rated highly effective, may lead two or more schools as specified, may allocate resources and personnel between schools under his/her administration, but hope supplemental services allocation funds, must be spent at the franchise model school, and is eligible to receive a Best and Brightest Principal award.

**Section 3. Amends s. 1007.273, F.S., relating to Structured high school acceleration programs.**

The language substantially modifies the collegiate high school program. The structured program must prioritize dual enrollment courses that are applicable toward general education core courses or common prerequisite course requirements over electives. A school board may not limit the number of eligible students who may enroll in structured programs. The language specifies that each school board and its local Florida College System institution must execute a contract to establish one ore more structured programs. If a local Florida College System institution does not establish a structured program with a school board in its service area, another institution may execute a contract with the school board.

By August 1, 2018, a contract entered into before January 1, 2018 for the 2018-2019 school year must be modified to include new contract provisions.

By September 1 of each school year, each school board must notify each student enrolled in grades 9, 10, 11 and 12 about the structured program including the method for earning college credit through the program and estimated cost savings of participation.

A charter school may execute a contract directly with the local Florida College System institution or another institution to establish a structured program.

Funding – A student who enrolls in the structured program and successfully completes at least 30 college credit hours during a school year through the dual enrollment program generates a 0.5 FTE bonus. A student who completes an additional 30 hours, resulting in at least 60 college credit hours, generates an additional 0.5 FTE bonus. Each school board must report to the commissioner the total FTE bonus for each structured program. The total FTE bonus is added to each district’s total WFTE for funding in the subsequent year.

The language specifies reporting requirements to the commissioner.

**Section 4. Amends s. 1008.33, F.S., relating to authority to enforce public school improvement.**

Language is added to authorize a district-managed turnaround plan to include a proposal to implement an extended school day, a summer program, or a combination of an extended school day and summer program.

Unless the SBE authorizes an additional implementation year, a school that has completed 2 school years of a district-managed turnaround plan and has not improved to a “C” or higher must implement one of several options. Some of the current options are modified. If the district closes the school and reopens as a charter school, such charter school is eligible for funding for the hope supplemental services allocation. A district-managed charter school is eligible for funding from the hope supplemental services allocation.

An additional option is a hope operator that submits to a district a notice of intent of a performance-based agreement. A school of hope established under this provision is eligible for funding from the hope supplemental services allocation for up to 5 years if the school:

- Is established at the district-owned facilities of the persistently low performing school;
- Gives priority enrollment to students enrolled in, or living in the attendance zone of the persistently low-performing school; and
- Meets the requirements of its performance-based agreement.

Another option is to implement a franchise model school.

If the school does not improve to a “C” or higher after 2 school year of implementing the turnaround options authorized above, the district must implement another turnaround option.

**Section 5. Amends s. 1011.62, F.S., relating to Funds for operation of schools.**

The section establishes the Hope Supplemental Services Allocation to provide district-managed turnaround schools, charter school, district-managed charter school, schools of hope, and franchise model schools with funds to offer services designed to improve overall academic and community welfare of the schools’ students and their families. The types of services are specified. School eligible to receive the services must develop and submit a plan for approval to its respective governing body no later than August 1. Plan requirements are specified. Plans must be submitted to the commissioner by September 1.

For the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year shall receive \$2,000 per FTE. Specified schools are eligible for the remaining funds based on the school’s UFTE up to \$2,000 per FTE or as provided in the GAA. For the 2019-2020 fiscal year and thereafter, each

district's allocation shall be based on the UFTE student enrollment at the eligible schools and a per-FTE funding amount of up to \$2,000 per FTE or as provided in the GAA. If the calculated funds exceed the appropriation, the allocation shall be prorated.

A Mental Health Assistance Allocation is created to provide supplemental funding to assist districts in establishing or expanding comprehensive school-based mental health programs. Prior to the distribution of the allocation, the district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the school board for approval. A charter school must submit a plan to its governing body and after approval, it must be provided to the school district for submission to the commissioner. The language specifies the elements that must be included in the plan. Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation must submit to the commissioner a final report in program outcomes and expenditures.

A Funding Compression Allocation is established authorizing the Legislature to provide an annual funding compression allocation in the GAA. The allocation is created to provide additional funding to districts and lab schools whose total funds per FTE in the prior year were less than the statewide average.

**Section 6. Amends s. 1011.71, F.S., relating to District school tax.**

A school district is authorized to expend up to \$150 (up from \$100) on vehicles and property/casualty insurance premiums.

**Section 7. Amends s. 1012.731, F.S., relating to The Florida Best and Brightest Teacher Scholarship Program.**

Repeals language authorizing the \$1200 or \$800 scholarship award for teachers.

**Section 8. Amends s. 1012.732, F.S., relating to The Florida Best and Brightest Principal Scholarship Program.**

Authorizes franchise model school principals to receive the awards as well as those who have recruited and retained a high percentage of best and brightest teachers. A franchise model principal is eligible for a \$10,000 scholarship; a \$5,000 scholarship is awarded to each principal assigned to a Title I school and a \$4,000 to each principal who is not assigned to a Title I school who has the required percentage of best and brightest teachers.

**Section 9. Amends s. 1013.31, F.S., relating to Education plant survey; localized need assessment; PECO project funding.**

The language ensures that school districts may expend local dollars on new construction without a survey recommendation. These local dollars include:

- The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget.
- Voted bond referendum.
- One-half cent sales surtax revenue.
- One cent local governmental surtax revenue.
- Impact fees.
- Private gifts or donations.

**Section 10. Amends s. 1013.62, F.S., relating to Charter schools capital outlay funding.**

The language modifies the calculation methodology that the DOE must use to determine the amount of revenue that a school district must distribute to each charter school if the school board levies the authorized local discretionary millage.

This section also provides that for each charter school within each district, the net capital outlay amount from local funds must be calculated in the same manner as the state funds appropriated in the GAA to

eligible charter schools, except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. This change weights the shared local capital outlay funds for charter schools with a student population in which 75 percent or greater are eligible for a free or reduced-price school meal, 25 percent or greater have a disability, or both. The per weighted FTE allocation amount from local funds must be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

The revised calculation may alter the amount of funds distributed in each charter school's capital outlay allocation from local funds.

**Section 11.** July 1, 2018, effective date.

**Status:** Filed as a Committee Bill; awaiting hearing in one committee of reference

**Other Education Funding Bills of Interest**

**HB 5203 – Statewide Travel Management System**

The bill amends provisions pertaining to per diem and travel expenses of state agency and judicial branch employees, codifying into law the \$150 per day limit on lodging expenses established in the FY 2017-2018 GAA implementing bill. Additionally, the bill specifies that an employee may expend his or her own funds for any lodging expenses in excess of the limit.

The bill codifies into law the definitions and requirements pertaining to the Statewide Travel Management System (system). Specifically, the bill:

- Establishes the “Statewide Travel Management System” as the system used by the Department of Management Services (DMS) to:
  - Collect and store information relating to public officer or employee travel information;
  - Standardize and automate agency travel management;
  - Allow for travel planning and approval, expense reporting, and reimbursement; and,
  - Allow travel information queries.
- Requires that each executive branch state government agency and the judicial branch must use the system for:
  - Travel authorization;
  - Travel reimbursement; and,
  - Reporting all public officer and employee travel information, including, but not limited to:
    - Name and position title;
    - Purpose of travel;
    - Dates and location of travel;
    - Mode of travel;
    - Confirmation from the head of the agency or designee authorization, if required; and,
    - Total travel cost.
- Requires that by November 1, 2018, the DMS shall make available to the public, all travel reports posted on the system for executive branch state agencies and the judicial branch.
- Requires that each “reporting entity” must report into the system, information relating to all travel resulting in an overnight stay by a public officer or employee, including:
  - Name and position title;
  - Purpose of travel;
  - Dates and location of travel;
  - Mode of travel; and
  - Total travel cost.
- The term “reporting entity” is defined to include each municipality, county, local constitutional officer, county school district, state college, state university, and water management district.



- Specifies that each reporting entity shall post one travel report per entity; however, a “local constitutional officer” may post a separate travel report from the respective county travel report.
- The term “local constitutional officer” is defined to include sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.
- Requires that on a monthly basis, each reporting entity shall post on the system, a report for the previous month’s travel, which resulted in an overnight stay.
- Requires the DMS to provide a format and method for reporting entities to post travel reports on the system.
- Requires that no later than November 1, 2019, each reporting entity shall post monthly travel reports relating to all travel resulting in an overnight stay for public officers and employees into the statewide travel management system.
- Requires that by December 1, 2019, the DMS shall make available to the public all travel reports posted on the system for each reporting entity.
- Provides that travel reports made available on the system may not reveal information made confidential or exempt by law. Specifying that each reporting entity must redact confidential or exempt information from a travel report before posting the report on the system. If the posting reporting entity becomes aware that an improperly redacted travel report has been posted to the system, the reporting entity must notify the DMS and immediately request removal of the travel report from the system. The reporting entity must then republish a properly redacted version of the travel report within seven business days on the system.
- Provides that the Secretary of the DMS, and any officer, employee or contractor of the DMS is not responsible for redacting confidential or exempt information from a travel report posted on the system.
- Provides that the posting of travel reports on the system does not supersede the duty of a reporting entity to respond to a public records request or subpoena for the information.
- Amends section 112.061(9), F.S., providing that the DMS may adopt rules to administer the provisions of this section relating to the Statewide Travel Management System.
- Conforms to the proposed FY 2018-2019 House of Representatives’ General Appropriations Act, which includes \$1.8 million in funding for operations and maintenance of the Statewide Travel Management System for executive branch agencies and the judicial branch, who are also required by the bill to utilize the system for travel authorization and reimbursement. The bill appropriates \$1.3 million in recurring funds and \$4.1 million in nonrecurring funds from the General Revenue Fund, and four full-time equivalent positions to the DMS for Fiscal Year 2018-2019 to update the system for executive branch agencies and the judicial branch with public viewing and search capabilities, and to implement the additional reporting entity provisions of the act.

**Status:** Placed on House Special Order Calendar for 2/7/18

**SB 824 – School District Price Level Index by Garcia (HB 495 by Diaz)**

The bill requires the Florida Department of Education (DOE) to issue a competitive solicitation to contract with an independent, third-party consulting firm, by July 1, 2018, and every 10 years thereafter, to conduct a review of the existing price level index methodology. The bill also requires the DOE, by January 1, 2019, and every 10 years thereafter, to submit a report providing recommendations to the chair of the Senate Committee on Appropriations, the chair of the House of Representatives Appropriations Committee, and the Executive Office of the Governor’s Office of Policy and Budget.

**Status:** SB 824 has passed one of three committees of reference  
 HB 495 has passed one of three committees of reference

## **Local Authority, Accountability, & Ethics**

### **HB 1279 – School District Accountability by Sullivan (SB 1804 by Stargel)**

To increase fiscal transparency of educational spending, the bill:

- Requires school boards to provide financial efficiency data and fiscal trend information;
- Requires the Department of Education to develop a web-based tool that identifies schools and districts with high academic achievement based on per pupil expenditures; and
- Requires school boards to provide a full explanation of, and approve, any budget amendment at the boards' next public meeting.

To increase fiscal accountability of districts, the bill:

- Requires school districts with revenues over \$500 million to employ an internal auditor;
- Requires school districts with low ending fund balances to reduce administrative costs and other expenditures;
- Requires districts in a financial emergency to withhold the salaries of superintendents and school board members until the emergency is addressed;
- Requires an investigation of school districts who are unable to timely pay current debts and liabilities;
- Clarifies that the Department of Education's Office of Inspector General must investigate allegations and reports of fraud and abuse from certain government officials; and
- Requires school districts with previous operational audit findings to initiate and complete corrective action within a certain period of time.

The bill also:

- Prohibits appointed, along with elected superintendents, from lobbying school districts for a period of two years after vacating the position;
- Aligns school board member salaries with beginning teacher salary or the amount calculated by statute, whichever is less;
- Requires prior school board approval for reimbursement of out-of-district travel expenses;
- Requires school boards to withhold a portion of an employee's salary who owes a public financial disclosure fine;
- Repeals s. 1011.64, F.S., relating to school district minimum classroom expenditure requirements; and
- Prohibits superintendents, along with school board members, from employing or appointing a relative to work under their direct supervision.

Contingent upon HB 7055 or similar legislation failing to become law, the bill appropriates \$850,000 to the Department of Education to implement the provisions of this act.

**Status:** HB 1279 is on House Education Committee agenda for 2/7/18

SB 1804 has not been heard in any of three committees of reference

*(NOTE: This is just one of several bills, including [HB 7](#), [HB 11](#), [HB 1019](#), [HB 7003](#), [HB 7007](#), [HB 7073](#), [SB 354](#), [SB 1426](#), and [SB 1534](#) that address accountability and ethics.)*

### **HJR 1031 – Limitation of Terms/School Board Members by Fischer (SJR 194 by Steube)**

The joint resolution proposes an amendment to the Florida Constitution that, if approved by 60% of the voters at the general election in November 2018, prohibits a district school board member from appearing on a ballot for reelection if, by the end of their current term of office, the member will have served, or but for resignation would have served, in that office for eight consecutive years. This provision is similar to the term limits for elected state and federal officials added to the Florida Constitution in 1992. The proposed limitation would only apply to terms of office that begin after November 6, 2018. *(NOTE: A joint resolution proposing an amendment to the State Constitution must be passed by three-fifths of the membership of each house of the Legislature.)*

**Status:** HJR 1031 is on House Education Committee agenda for 2/7/18

SJR 194 has passed one of three committees of reference (imposes a term limit of 12 years)

**SB 118 – Visitation of Schools by State Legislators by Hukill (HB 975 by Grant)**

The bill authorizes an individual member of the State Legislature to visit any district school, including any charter school, in his or her legislative district, on any day and at any time at his or her pleasure, which is consistent with the authority extended in law to an individual member of a district school board and individual charter school governing board member to visit applicable schools. The bill also clarifies that the district school superintendent's designee or the school principal's designee, in addition to the specified district employees in current law, may not limit the duration or scope of the visit or direct the visiting individual to leave the school premises.

**Status:** SB 118 has passed the Senate and is in Messages to the House  
HB 975 has not been heard in either of two committees of reference

**Other Local Authority, Accountability, & Ethics Bills of Interest:**

**SB 192 – Public Meetings by Baxley (HB 79 by Roth)**

The bill creates a new section of law to codify judicial interpretation and application of the terms. The bill defines the following terms:

- “De facto meeting” means the use of board or commission staff or third parties, acting as intermediaries, to facilitate discussion of public business between board or commission members.
- “Discussion” means a conversation between or among board or commission members regardless of whether through oral, written, electronic, or any other form of communication.
- “Meeting” means a gathering, whether formal or informal, of two or more members of the same board or commission, even if they have not yet taken office.
- “Official act” means the adoption of a resolution or rule or other formal action being taken by the board or commission.
- “Public business” means any matter before, or foreseeably expected to come before, the board or commission.

The bill also specifies that members of a board may participate in “fact-finding” exercises or excursion to research public business, and may participate in meetings with a member of the Legislature if:

- The board provides reasonable notice;
- A vote, official act, or an agreement regarding a future action does not occur;
- There is no discussion of “public business” that occurs; and
- There are appropriate records, minutes, or recordings made and retained as a public record.

In addition, the bill provides that, if there is a gathering of two or more board members where no official acts are taken and no public business is discussed, then no public notice or access is required.

**Status:** SB 192 has passed the Senate and is in Messages to the House  
HB 79 has passed two of three committees of reference

**HB 439 – Public Meetings and Records/Imminent Litigation by Donalds (SB 560 by Steube)**

The bill creates an exemption from public meeting requirements when the board or commission of a governmental entity meets in private with the entity's attorney to discuss imminent litigation. The bill specifies that litigation is considered imminent when the entity has received notice of a claim or demand by a party threatening litigation before a court or administrative agency. The bill requires the same conditions to be met that are currently in law for discussions regarding pending litigation. The bill additionally requires an entity's attorney to identify the name of the potential claimant or litigant at the public meeting at which the attorney advises the entity that he or she desires advice concerning the imminent litigation. The bill also creates a public record exemption for the transcript of a meeting at which imminent litigation is discussed. The bill specifies that if imminent litigation does not commence, the transcript of the meeting must be made a public record within a reasonable time after the matter underlying the imminent litigation is resolved or upon the expiration of the statute of limitations applicable to such matter, whichever occurs first.

**Status:** HB 439 has passed one of two committees of reference  
SB 560 has been placed on the Senate Calendar on 2<sup>nd</sup> Reading

## Personnel

### **HB 25 – Labor Organizations by Plakon (SB 1036 by Steube)**

The bill requires an employee organization to include the following information in its annual financial report submitted to the Public Employees Relations Commission (PERC) for each certified bargaining unit that the organization represents:

- The number of employees in the bargaining unit who are eligible for representation by the employee organization; and
- The number of employees who are represented by the organization, specifying the number of members who pay dues and the number of members who do not pay dues.

If a registered employee organization does not submit this information for a certified bargaining unit it represents, the organization's certification for that unit is revoked.

The bill also requires an employee organization that has been certified as the bargaining agent for a unit whose dues-paying membership is less than 50% of the employees eligible for representation in that unit to petition PERC for recertification as the exclusive representative of all employees in the unit within one month after the date on which the organization applies for registration renewal. The petition must be accompanied by dated statements signed by at least 30% of the employees in the unit, indicating that such employees desire to be represented by the employee organization. If PERC determines the petition to be sufficient, it must order an election to determine whether the employee organization will be certified. The certification of an employee organization that does not comply with this recertification requirement is revoked.

The bill appropriates \$300,804 to the PERC and authorizes two full-time equivalent positions with an associated salary rate of 150,500 for the purpose of implementing the bill. (In general, the provisions of the bill do not apply to an employee organization that represents, or seeks to represent, employees who are law enforcement officers, correctional officers, or firefighters.)

**Status:** HB 25 has passed the House and has been received in Messages in the Senate  
SB 1036 has not been heard in any of the three committees of reference

### **SB 1548 – K-12 Student Safety by Book (HB 777 by Moskowitz)**

The bill modifies Florida law regarding educator certification requirements and district school board duties relating to school safety. Specifically, the bill:

- Expands the applicability of certain employment disqualification criteria to include all positions that require direct contact with students.
- Grants the Department of Education and the Education Practices Commission additional authority to enforce the educator certification requirements and impose penalties against persons who do not comply with certification requirements.
- Requires the holder of a Florida educator certification to agree to inform his or her employer within 48 hours if arrested for any disqualifying offense while employed in a position that requires the certification.
- Provides that persons employed as part-time teachers by the district school board are not exempt from the certification requirements for all school-based personnel.
- Specifies that an adjunct teaching certificate may not be used to fulfill the certification requirements for a person who is employed and renders service as an athletic coach in any public school in Florida.
- Requires an educator who has been placed on probation to immediately notify the investigative office in the DOE upon separation from employment in any public or private position requiring a Florida educator's certificate.

**Status:** SB 1548 has passed two of three committees of reference  
HB 777 has not been heard in any of three committees of reference

### **HB 887 – Reading Instruction by Harrell (SB 1306 by Perry)**

To further increase the quality of reading interventions, the bill:

- Beginning with the 2020-2021 school year, requires teachers who provide reading interventions under a school district's K-12 comprehensive reading plan to be certified or endorsed in reading;
- Requires the Florida Department of Education (DOE), as part of its review of certain certification and endorsement requirements, to consider awarding a reading endorsement to teachers who are certified by an internationally recognized reading intervention organization or who complete a program accredited by the organization; and
- Requires school districts to provide teachers access to training for a reading endorsement consistent with the DOE's review of endorsement requirements.

**Status:** HB 887 is on the House Education Committee agenda for 2/7/18

SB 1306 is on the Senate PreK-12 Education Appropriations Committee agenda for 2/8/18

### **Other Personnel Bills of Interest**

#### **HB 977 – Retirement of Instructional & Administrative Personnel by Fine (SB 1240 by Mayfield)**

The bill provides that, effective July 1, 2018, instructional personnel who are authorized to extend DROP participation beyond the 60-month period must have a termination date that is the last day of the last calendar month of the school year within the DROP extension granted by the employer. For those employees who have already extended DROP on or before July 1, 2018, the member's DROP participation may be extended through the last day of the last calendar month of that school year. The employer must notify the division of the change in termination date and the additional period of DROP participation for the affected instructional personnel. In addition, administrative personnel in grades K-12 who have a DROP termination date on or after July 1, 2018, may be authorized to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year. Such administrative personnel may have DROP participation extended until the last day of the last calendar month of the school year in which their original DROP termination date occurred.

**Status:** HB 977 has passed two of three committees of reference

SB 1240 has passed one of three committees of reference

### **School Choice Options**

#### **HB 1 – The Hope Scholarship Program by Donalds (SB 1172 by Galvano)**

The bill establishes the Hope Scholarship Program, which provides the parent of a public school student who was subject to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offenses, harassment, assault, battery, threat or intimidation, or fighting at school with the opportunity to transfer the student to another public school or to receive a scholarship for the student to attend a private school. If the student enrolls in a public school outside the district, the student is eligible for a transportation scholarship limited to \$750. The bill:

- Establishes the duties and responsibilities of the Department of Education, the Commissioner of Education, scholarship funding organizations, parents, students and the Auditor General.
- Establishes guidelines for funding and payment of the Hope Scholarship Program.
- Allows taxpayers to receive tax credits for eligible contributions to fund the Hope Scholarship Program.

Contingent upon HB 7055 or similar legislation failing to become law, the bill appropriates \$2 million to the Department of Education to implement the provisions of this act.

**Status:** HB 1 is on the House Education Committee agenda for 2/7/18

SB 1172 is on the Senate PreK-12 Education Appropriations Committee agenda for 2/8/18

**(NOTE: The provisions of HB 1 are substantially the same as those in HB 7055 but SB 1172 contains several accountability provisions that are not contained in either HB 1 or HB 7055)**

### **SB 1756 – School Accountability by Simmons**

The bill strengthens the accountability provisions for private schools that participate in state school choice scholarship programs, and applies such provisions consistently to the participating schools. Specifically, the bill:

- Expands the number of site visits to private schools that the Department of Education (DOE or department) must make and the scope of such visits to require the DOE to:
  - Annually visit at least 5 percent of private schools participating in state scholarship programs, with opportunities for follow-up visits.
  - Visit each private school that notifies the department of the school's intent to participate in a state scholarship program.
- Modifies the teacher qualification requirements for private schools that participate in state scholarship programs to require:
  - That the teachers teaching students in grade 2 or above hold a baccalaureate or higher degree from a regionally or nationally accredited college or university.
  - The private schools to report to the DOE and to parents, specified information regarding the qualifications of each teacher hired by such schools.
- Requires the Division of State Fire Marshall to annually provide to the DOE, a report of fire safety inspections of private schools that participate in a state scholarship program.
- Requires a private school that receives more than \$250,000 in funds from any state scholarship program in a state fiscal year to provide to the DOE a specified financial report from an independent certified public accountant.
- Specifies that a private school is ineligible to participate in a state scholarship program if the owner or operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

**Status:** SB 1756 is on the Senate PreK-12 Education Appropriations Committee agenda for 2/8/18  
There is no House companion bill

### **SB 1434 – K-12 Education Enhancements by Passidomo**

The bill modifies Florida education law related to mental health services in schools, school improvement and education accountability, persistently low-performing schools, schools of hope, school funding, and the Florida Tax Credit Scholarship. Specifically, the bill:

- Creates the mental health assistance allocation to provide funds for school-based mental health programs and establishes related requirements.
- Strengthens school improvement and accountability measures by:
  - Providing that a school must complete two years of a district-managed turnaround plan before the school must implement a turnaround option.
  - Expanding the turnaround options available to a school district for a persistently low-performing school to include a franchise model school that is led by a specified highly effective principal and incentivize a hope operator to establish a school of hope at the district-owned facilities of the persistently low-performing school.
  - Extending the funds available in the newly established Hope Supplemental Services Allocation to all eligible schools implementing a district-managed turnaround plan or a turnaround option.
- Revises school of hope provisions to require a hope operator to submit a notice of intent containing an operations plan specifying the hope operator's intent to undertake the operations of the persistently low-performing schools.
- Establishes the Hope Supplemental Services Allocation to provide schools implementing a district-managed turnaround plan or a turnaround option specified in law with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.
- Modifies eligibility requirements and calculation methodology for specified charter school capital outlay provisions and revises the amount of discretionary millage that a school district may expend for specified purposes.

- Expands eligibility for the Florida Tax Credit Scholarship to include a student who attends a persistently low-performing school.
- Renames the Collegiate High School Program as the Structured High School Acceleration Program (structured program), modifies programmatic and reporting requirements, and creates bonus funding for school districts based on students enrolled in such programs completing either a 30- or 60- credit hour block through dual enrollment.

**Status:** SB 1434 has passed one of three committees of reference  
There is no House companion bill

**HB 1035 – Personalized Education by Sullivan (SB 968 by Brandes)**

The bill:

- Renames the Competency-Based Education Pilot Program to the Mastery-Based Education Pilot Program.
- Allows any district in the state to submit an application to DOE to participate.
- Authorizes districts participating in the pilot program to use an alternative interpretation of letter grades to measure student success in grades 6-12. The alternate system must meet specific requirements and be approved by the district school board.
- Allows districts to determine and award one full credit toward high school graduation based on the student’s mastery of core content and skills without meeting the current minimum requirement of 135 or 120 hours of bona fide instruction to award one full credit.
- Requires the statewide articulation agreement to ensure fair and equitable access for high school graduates with mastery-based, nontraditional diplomas and transcripts.

**Status:** HB 1035 has passed two of three committees of reference  
SB 968 has not been heard in any of three committees of reference

**HB 731 – Home Education by Sullivan (SB 732 by Baxley)**

The bill:

- Clarifies the definition of “parent,” the home education registration process and the home education notice requirements;
- Authorizes school districts to provide a home education student access to career and technical courses and programs;
- Authorizes districts to offer industry certifications, national assessments and statewide, standardized assessments to home education students;
- Prohibits school superintendents from requiring evidence of a child’s age if the child meets regular attendance requirements by attending certain educational institutions or programs;
- Authorizes school superintendents to refer student nonenrollment cases to a child study team in order to conduct intervention services;
- Clarifies the court procedures and penalties for enforcement of compulsory school attendance; and
- Exempts a home education student from the grade point average requirement for admission to dual enrollment programs if the student meets the minimum score on a college placement test.

**Status:** HB 731 is on the House Education Committee Agenda for 2/7/18  
SB 732 is on the Senate PreK-12 Education Appropriations Committee agenda for 2/8/18

**Other School Choice Bills of Interest**

**SB 564 – McKay Scholarship Program by Young (HB 399 by Mariano)**

The bill modifies the John M. McKay Scholarships for Students with Disabilities Program to:

- Specify that a parent of a student who is hospitalized or homebound who seeks a reevaluation of an existing individual education plan (IEP) may request an IEP meeting and evaluation from the school district to obtain or revise a matrix of services for an eligible student. The school district must conduct

the meeting and develop an IEP and a revised matrix of services within 30 days after receipt of the parent's request.

- Authorize a school district to change a matrix of services based on the result of an IEP reevaluation.

**Status:** SB 564 has passed three of four committees of reference

HB 399 has not been heard in any of three committees of reference

### **Curriculum & Instructional Programs**

#### **SB 88 – Financial Literacy by Hukill (HB 323 by Fitzenhagen)**

The bill specifies financial literacy standards and instruction for students entering grade 9 in the 2018-2019 school year and thereafter. Specifically, the bill revises:

- The Next Generation Sunshine State Standards to establish requirements for financial literacy distinct from the existing financial literacy requirements specified under the economics curricular content within the standards for social studies; and
- The requirements for a student to earn a standard high school diploma to:
  - Establish a separate one-half credit requirement in personal financial literacy and specifying related instruction.
  - Reduce the number of required elective credits from eight to seven and one-half.

**Status:** SB 88 has passed the Senate and is in Messages to the House

HB 323 has passed one of two committees of reference

#### **HB 1213 – Computer Science Instruction by Porter (SB 1056 by Passidomo)**

To increase opportunities for students to participate in computer science instruction, the bill:

- Defines computer science and includes computer coding and programming in the definition;
- Requires the Florida Department of Education (DOE) to identify computer science courses in the Course Code Directory and on its website by July 1, 2018;
- Establishes a progressive schedule by which school districts must offer computer science courses identified by the DOE so that at least 10 percent of a school district's total middle schools, high schools, and combination schools with grades 6-12 offer a computer science course by the 2020-2021 school year;
- Specifies that school districts with fewer than 10 middle schools, high schools, and combination schools must have at least one school offer an identified computer science course by the 2020-2021 school year;
- Requires Florida Virtual School (FLVS) to offer computer science courses so students enrolled in a school without a computer science course can receive computer science instruction;
- Requires school districts to offer students access to computer science courses through FLVS or by other means;
- Allows student enrollment in computer science courses offered by charter schools and FLVS to count toward a district's computer science course requirements;
- Establishes a grant program to help teachers earn a computer science educator certificate or industry certification and for paying associated examination fees;
- Establishes a bonus program to award qualifying teachers, on a yearly basis for up to 3 years, who teach computer science courses identified by the DOE;
- Establishes a needs-based technology grant for school districts whose Digital Classrooms Allocation funds are insufficient to meet costs associated with the allocation and who have no remaining instructional materials; and
- Requires the State Board of Education to adopt rules to implement these provisions.

**Status:** HB 1213 has passed one of three committees of reference

SB 1036 is on the Senate PreK-12 Education Appropriations Committee agenda for 2/8/18



### **SB 856 – High School Graduation Requirements by Montford (HB 577 by Silvers)**

The bill authorizes students to use apprenticeship or preapprenticeship program credit to meet specified credit requirements for high school graduation. Specifically, the bill:

- Authorizes a student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education to use such credit to meet the credit requirements for:
  - Fine or performing arts, speech and debate, or practical arts; or
  - Electives.
- Requires the State Board of Education to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to meet the specified credit requirements for high school graduation.

**Status:** SB 856 is on the Senate PreK-12 Education Appropriations Committee agenda for 2/8/18  
HB 577 is on the House Calendar on 2<sup>nd</sup> Reading

### **SB 996 – Cardiopulmonary Resuscitation in Public Schools by Mayfield (HB 795 by Altman)**

The bill requires each school district to provide to students instruction in cardiopulmonary resuscitation (CPR) and use of an automated external defibrillator. Specifically the bill:

- Requires the instruction to be part of the physical education curriculum or another required curriculum selected by the school district, and the instruction to be based on an instructional program established by the American Heart Association, the American Red Cross, or another nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines.
- Requires students to study and practice psychomotor skills associated with performing CPR at least once before graduating from high school.
- Exempts students with disabilities from the specified instruction requirements.

**Status:** SB 996 is on the Senate PreK-12 Education Appropriations Committee agenda for 2/8/18  
HB 795 has not been heard in any of three committees of reference

### **HB 827 – Instructional Materials by Donalds (SB 1644 by Lee)**

The bill transfers the responsibility for adopting state instructional materials from the Commissioner of Education to the SBE. Under the bill, the SBE must adopt instructional materials for a given academic subject at a regularly scheduled state board meeting no later than July 1 of the year before the 5-year adoption cycle is scheduled to begin and allow public comment on instructional materials at any meeting in which an adoption is considered. The bill also specifies that members of the public must be provided access to, and the opportunity to submit comments on, instructional materials recommended for adoption by state instructional materials reviewers and that any submitted comments related to a specific recommended instructional material must be provided to the SBE as part of its consideration.

The bill provides that instructional materials recommended for adoption may be more rigorous than the Next Generation Sunshine State Standards (NGSSS), so long as they are aligned with the NGSSS. The bill also requires the state instructional materials reviewer affidavit to include a statement that, to the best of the reviewer's knowledge, instructional materials he or she recommends for adoption are, at a minimum, aligned to the NGSSS. If the SBE finds that instructional materials fully meet or are more rigorous than the NGSSS, the materials are not subject to pre-adoption public review procedures by the local school district; however, a district school board may still initiate such procedures if he or she has evidence that the materials are not aligned to the NGSSS or do not meet state adoption criteria or standards.

The bill requires that instructional materials purchased using instructional material allocation funds to include professional development and ancillary materials to support high-quality, accurate instruction.

**Status:** HB 827 has passed one of two committees of reference  
SB 1644 has not been heard in either of two committees of reference

## **Capital Outlay Funding & Policies**

### **HB 317** – Local Tax Referenda by Ingoglia (**SB 272** by Brandes)

The bill requires any referendum to levy a discretionary sales surtax, including the School Capital Outlay Surtax, to be held during a general election. Such a referendum will still require approval by a majority of the electors voting on the question.

**Status:** HB 317 has passed the House  
SB 272 has passed two of four committees of reference

### **SB 324** – Impact Fees by Young (**HB 697** by Miller)

The bill requires that the collection of an impact fee be no earlier than the issuance of the building permit for the property that is subject to the fee and provides that the statutory provisions related to impact fees do not apply to water and sewer connection fees. The bill also codifies the dual rational nexus test. The bill requires impact fees to have a rational nexus with the need for additional capital facilities and the expenditures of the funds collected. The local government must specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents. The bill prohibits the use of impact fee revenues to pay existing debt unless certain conditions are met. In addition, the bill prohibits local governments from requiring developers to pay for land acquisition or construction of public facilities as a condition for approving a development order unless the local government has an ordinance imposing similar requirements on all developers.

**Status:** SB 324 has passed two of three committees of reference  
HB 697 is on the House Government Accountability Committee for 2/08/18

### **Other Capital Outlay Funding & Policy Bills of Interest**

#### **SB 1006** – Disaster Response and Preparedness by Montford (**HB 1443** by Alexander)

The bill amends the State Emergency Management Act by modifying certain components of the state comprehensive emergency management plan (CEMP), assigning additional responsibilities to the Florida Division of Emergency Management (FDEM), enhancing the participation of state colleges and universities during emergencies, and authorizes school districts to take certain actions in the event of an emergency or disaster. Among other things, the bill:

- Defines the term “comfort animal” to mean an animal, other than a pet or a service animal, which provides emotional support to help improve the physical, social, emotional, and cognitive condition of an individual;
- Requires the FDEM to include in the shelter component of the CEMP policy guidance for sheltering people with mental illness and individuals experiencing homelessness;
- Requires the FDEM to amend the post disaster response and recovery component of the CEMP to ensure a comprehensive statewide plan exists for the safe transfer of persons with special needs, mental illness, and individuals experiencing homelessness;
- Requires the FDEM to include in its statewide public awareness programs information on the different types of shelters available such as special needs shelters and shelters that accept individuals with service animals, comfort animals, or pets;
- Requires the FDEM to provide guidance regarding procedures and required documentation to any entity entitled to receive reimbursements for disaster-related expenditures from FEMA to ensure that such entities receive the maximum allowable reimbursement;
- Requires the FDEM and local emergency management agencies to address in the shelter component of their respective CEMPs strategies for evacuating persons with service animals or comfort animals;
- Requires Florida College System institutions and state universities to provide facilities, necessary personnel to staff such facilities, and transportation assistance during a declared state or local disaster, if requested by a local emergency manager; and
- Allows school districts to take certain actions relating to school grading and advance pay for district staff in the event of an emergency or disaster.

**Status:** SB 1006 is on the Military & Veterans Affairs, Space, & Domestic Security agenda for 2/07/18  
HB 1443 has not been heard in any of three committees of reference

## **Safety & Health**

### **HB 63 – Students with Disabilities in Public Schools by Edwards (SB 260 by Book)**

The bill establishes standards and procedures regarding the use, monitoring, documentation, and reporting of seclusion and restraint on students with disabilities. The use of manual restraint or seclusion is required to be monitored at the classroom, building, district, and state levels. The Florida Department of Education (DOE) is required to develop standards for and provides guidance to school districts. School districts must develop policies and procedures regarding incident-reporting, data collection, and monitoring. Each school district is required to provide its policies and procedures to DOE. The bill amends the use of restraint on students with disabilities. Specifically, the bill:

- Defines terms related to seclusion and restraint.
- Provides that physical restraint may be used only to protect students, school personnel or others, but not for disciplining a student. Restraints should be used only when all other strategies and techniques have been exhausted. A student may only be physically restrained for the time necessary for protection.
- Prohibits the use of specified physical restraint techniques.
- Requires school districts to develop policies and procedures to ensure the physical safety and security of all students and school personnel; and requires that students be treated with dignity and respect.
- Outlines under what circumstances restraint may not be used.
- Describes the circumstance when time-outs may be used and prohibits certain areas.
- Prohibits student from being placed in seclusion.
- Requires the school to review a student's functional behavioral assessment and individualized behavior intervention plan when a student is placed in time-out, physically restrained or secluded more than twice in a semester.
- Includes emotional and behavioral disabilities in the list of disabilities for which certain school personnel must be trained to identify for early intervention.
- Adds to staff training effective classroom behavior management strategies such as differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and time-out methods.
- Directs DOE to publish data and analysis relating to incidents of seclusion and restraint on its website.

**Status:** HB 63 is on the House Calendar on 2<sup>nd</sup> Reading

SB 260 has passed one of three committees of reference

### **HB 515 – Offenses Against Students by Authority Figures by White (SB 736 by Baxley)**

The bill makes it a second-degree felony for an authority figure to solicit or engage in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student enrolled at a school, regardless of the student's age. The bill defines:

- "Authority figure" as a person 18 years of age or older who is employed by, volunteering at, or under contract with a school, including school resource officers.
- "School" as a private school, a voluntary prekindergarten education program, early learning program, a public school, the Florida School for the Deaf and the Blind, and the Florida Virtual School. Facilities dedicated exclusively to adult education, such as colleges and universities, are not included.

In addition, the bill amends the definition of school in the trespass on school grounds statute to include school bus. This amendment allows law enforcement to arrest someone for trespassing on a school bus, after the commission of the crime and without a warrant, if the officer had probable cause to believe the person committed the offense.

**Status:** HB 515 is on the House Education Committee agenda for 2/07/18

SB 736 has not been heard in any of three committees of reference

**HB 165 – Threats to Kill or do Bodily Injury by McClain (SB 310 by Steube)**

As a result of threats issued and shared publicly on social media, the bill amends statutes to prohibit a person from:

- Making a threat in a writing or other record, including an electronic record, to kill or do great bodily injury to another person; and
- Posting or transmitting the threat in any manner that would allow another person to view the threat.

The bill removes the requirement that the written threat be sent to the person threatened or a member of his or her family. The bill reclassifies the offense as a third degree felony and reduces the offense level from a level 6 to a level 4 on the criminal punishment code scoresheet.

**Status:** HB 165 is on the House Calendar on 2<sup>nd</sup> Reading  
SB 310 has passed one of three committees of reference

**HB 947 – Behavioral Health of Minors by Payne**

The bill implements three recommendations developed by a task force withing the Department of Children and Families. Specifically, the bill:

- Encourages school districts to adopt a standard suicide assessment tool that school based mental health professionals would implement prior to initiation of an involuntary examination.
- Requires Youth Mental Health First Aid or Crisis Intervention Team (CIT) training for school resource officers and other law enforcement officers who initiate involuntary examinations from schools.
- Increase the number of days, from the next working day to five working days that the receiving facility has to submit forms to DCF, to allow DCF to capture data on whether the minor was admitted, released, or a petition filed with the court.

**Status:** HB 947 is on the House Health & Human Services Committee agenda for 2/07/18  
There is no Senate companion bill

**SB 1628 – Sexual Harassment by Book (HB 1233 by Jacobs)**

The bill creates the Task Force on the Prevention of Sexual Harassment and Misconduct, which is tasked with studying the issue of sexual harassment within Florida's government and making recommendations concerning existing policies and new policies that may be established. Specifically, the Task Force must examine complaint processes, reporting complaints, investigations, confidentiality of the complaints, victim support and assistance, training, and other states' actions to reduce the incidences of harassment and to protect the rights of victims. The bill also creates an express provision in the Code of Ethics for Public Officers and Employees which prohibits an officer, candidate for office, employee, or a lobbyist from engaging in sexual harassment.

**Status:** SB 1628 has passed one of three committees of reference  
HB 1233 has not been heard in any of three committees of reference