

FLORIDA SCHOOL BOARDS ASSOCIATION

Legislative Briefing Bill Packet

February 3, 2016

Education Funding

2016-2017 Education Budget

[FSBA Comparison of House & Senate Education Budget Proposals](#)

[FEFP History & Comparison with Education Budget Proposals](#)

Other Education Funding Bills of Interest

[HB 149](#) – Maximum Class Size by Moraitis

Revises the method for calculating the penalty for schools that fail to comply with the class size requirements by calculating certain steps in the calculation at the school average instead of at the classroom level; repeals the increase in the penalty scheduled to begin in FY 2014-2015 and thereafter; removes the exemption from the class size requirement for charter schools, district-operated schools of choice, and district innovation schools of technology program; clarifies that a school's compliance with class size is measured at the classroom level and that only calculation of penalties is based upon the school average; requires the amount of the reduction calculation to be expended in the schools that are out of compliance to achieve compliance; repeals the reallocation of funds to districts that are in compliance with class size and requires the district to publish, by school, compliance data and the compliance plan on the school district website and provide a copy of the compliance plan to the School Advisory Committee at all non-compliant schools.

[SB 350](#) – Online Procurement by Montford (*Compare to [HB 305](#) by Drake*)

Authorizes district school boards, Florida College System institution boards of trustees and university boards of trustees to make purchases through an online procurement system, an electronic auction service, or other efficient procurement tools.

[SB 1166](#) – Education Funding by Gaetz

Revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant; authorizes and codifies changes to the FEFP including codifying the federally connected student supplement, amending CAPE teacher bonus awards and removing the bonus limit, authorizes performance funding for certain CAPE industry certification earned through a dual enrollment course; makes the Adults with Disabilities Workforce Education Pilot Program a permanent program by removing its pilot status and sunset date; establishes the Distinguished Florida College System Program to recognize Florida's highest-performing colleges; and adds to the powers of a district school board, the authority to visit schools, give suggestions for improvement, and advise citizens to promote interest in education.

[HB 7043](#) – Education Funding by Education

Amends and codifies the the State University System Performance-Based Incentive; requires the State Board of Education to establish, by rule, performance-based metrics for the Florida College System; modifies the academic and research excellence standards of the preeminent state research universities program; provides parameters for the selection of and terms of service for the chairs of state university boards of trustees; amends and codifies the educator liability insurance program; modifies and codifies the "Best and Brightest Teacher Scholarship Program"; protects certain teachers from scholarship proration; provides that, once a teacher is deemed eligible by the school district, including a teacher deemed eligible in the 2015-2016 fiscal year, the teacher remains eligible as long as he or she is employed by the school district and maintains a highly effective rating or, if a first-year teacher, is rated highly effective. The bill authorizes funding for the program as provided in the GAA beginning with the 2016-2017 school year.

Assessment & Accountability

SB 1360 – Student Assessments by Gaetz (*Compare to SB 1078 by Legg*)

The bill expands current alternatives by creating alternative assessment options for school districts and students to choose in lieu of the statewide, standardized assessments to meet student progression, graduation, and education accountability requirements. The provides that it is the intent of the Legislature to preserve the statewide, standardized assessments as the default common battery of assessments for all students attending public schools. The alternative assessments are intended to supplement the statewide assessment program with valid, reliable, and respected assessment options for students to demonstrate subject area and grade level competency and college and career readiness. The rigorous alternative assessment options are organized as district options for students and options for students in high school.

The bill:

- Establishes a process for a district school board to choose to voluntarily implement districtwide, ACT Aspire for grades 3 through 8; ACT Aspire and ACT for high school; PSAT or NMSQT, and SAT for high school; or a combination of options, as specified;
- Identifies several rigorous alternative assessments and industry certifications as options for students to meet high school subject area, course, credit, and assessment requirements;
- Establishes performance-based alternative means to satisfy online course requirement for high school graduation;
- Creates a process for establishing proxy values for linking student performance on rigorous alternative assessments to assess teachers, schools, and school districts;
- Provides for the immediate renegotiation of existing student assessment contracts and negotiation of new contracts to implement the rigorous alternative assessment options;
- Establishes timelines for the implementation of district-selected rigorous alternative assessment options, and specifies notification and reporting requirements;
- Removes the annual cap on teacher bonuses for the teachers providing AP, IB, AICE, or industry certification instruction which results in their students earning college credit or attaining industry certifications;
- Provides an exemption for the performance of students with excessive absences from counting against a classroom teacher’s performance evaluation; and
- Authorizes district school board members to visit schools to promote education and school improvements.

Local Authority & School Governance

HB 1155 – Membership Associations by Eisnaugle (*Similar to SB 1426 by Stargel*)

The bill defines the term “membership association” in a manner that makes the bill apply only to the Florida School Boards Association. The bill requires a membership association to file a report with the President of the Senate and the Speaker of the House by January 1 of each year. The report must provide extensive information above and beyond that required by state and federal law for other non-profit and for-profit corporations. Among other things, the report must include the amount of the fee required to become a member of the membership association, if any, and the annual dues each member must pay, annual financial statements, a description of the assets and liabilities, the salary and other disbursements to each officer and to each employee who received more than \$10,000, the annual amount of the benefit packages, the annual dues sent to each state, national, or international affiliate, the total amount of direct or indirect disbursements for lobbying activity and the total amount of direct or indirect disbursements for litigation expenses incurred by the membership association.

The bill provides that a membership association may not expend moneys received from public funds on litigation against the state. In addition, the bill provides that dues paid to a membership association which are paid with public funds must be assessed for each elected or appointed public officer. If a public officer elects not to join the membership association, the dues assessed to that public officer may not be paid to the membership association. The bill requires the Auditor General to conduct an annual financial and operational audit of accounts and records of each membership association and provides that all records of a membership association constitute public records for purposes of chapter 119.

HJR 539 – School Districts and School Boards by Caldwell *(Identical to [SJR 734](#) by Brandes)*

The bill proposes amendments to Article IX, Section 4 of the Florida Constitution to provide that any contiguous area of the state, whether a county or a municipality, may constitute a school district. The existing provision allowing two or more contiguous counties may be combined into one school district is deleted. The bill provides that each school district shall be governed by a school composed of five or more members chosen by vote of the electors in a partisan or nonpartisan election for appropriately staggered terms of four years, as provided by law, unless, by general or special law, the governing body of a county or municipality constitutes the school board. The bill specifies that a school district may be abolished by general or special law and the operation, control, and supervision of all free public schools within an abolished school district will be prescribed by general or special law. The determination of the rate of school district levies in such an abolished school district will be prescribed pursuant to general law.

HJR 767 – Cabinet / Commissioner of Education by Mayfield *(Identical to [SJR 942](#) by Garcia)*

The bill proposes amendments to Article IV, Sections 3 and 4, and to Article IX, Section 2, of the Florida Constitution to provide for statewide election of the Commissioner of Education and for the inclusion of the commissioner as a member of the Cabinet. The bill also establishes Cabinet, composed of the Governor, as chair, the chief financial officer, the attorney general, the commissioner of agriculture, and the commissioner of education, as secretary and executive officer, to constitute the State Board of Education. The bill provides that, in addition to other responsibilities, shall supervise matters pertaining to the public education system except as otherwise provided by law.

Other Local Authority & School Governance Bills of Interest:

HB 593 – Government Accountability by Metz *(Comparable to [SB 686](#) by Gaetz)*

Revises auditing protocols for certain agencies, councils, and state schools; revises responsibilities of certain state officials and employment or contractual relationships; revises provisions governing collection methods for certain unpaid automatic fines; revises entities subject to lobbyist registration and registration procedures; requires counties, municipalities, and special districts to maintain certain budget documents on entities' websites for specified period; revises certain compensation protocols; revises requirements for financial statements and audits of certain governmental entities.

SB 582 – Public Corruption by Gaetz *(Identical to [HB 7071](#) by Rules, Calendar and Ethics)*

Defines “governmental entity” as an agency or entity of the state, a county, municipality, or special district or any other public entity created or authorized by law; defines “public contractor” as any person who has entered into a contract with a governmental entity or any officer or employee of a person who has entered into a contract with a governmental entity; changes the mens rea element for certain public corruption crimes from “corruptly” to “knowingly and intentionally”; expands the application of the official misconduct law to public contractors; expands the application of the bid tampering law to public contractors who contract to assist a governmental entity in a competitive procurement.

[HB 675](#) – Federal Immigration Enforcement by Metz (*Similar to [SB 872](#) by Bean*)

Designates act "Rule of Law Adherence Act"; requires state and local governmental agencies to comply with and support enforcement of federal immigration law; prohibits restrictions on transfer of information regarding citizenship or immigration status of individual, action taken with respect to such information, or enforcement of federal immigration law; prohibits sanctuary policies; authorizes law enforcement agency to transport unauthorized alien; requires recordkeeping; provides exception to reporting requirements for crime victims or witnesses; requires state and local governmental officials to report violations; authorizes ordinances for recovery immigration detainer costs; provides penalties for failing to report violation; provides whistleblower protections for certain officials; requires AG to prescribe format for submitting complaints; provides cause of action for personal injury or wrongful death caused by sanctuary policy; waives sovereign immunity for such actions.

[HB 1021](#) – Award of Attorney Fees / Public Records by Steube (*[SB 1220](#) by Garcia*)

Revises conditions under which award of attorney fees is authorized in certain civil actions for enforcement of chapter 119, F.S.; provides that award of such attorney fees is within discretion of court.

Personnel

[HB 287](#) – Principal Autonomy Pilot Program by Diaz (*Similar to [SB 434](#) by Garcia*)

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education to provide the principals of participating schools in participating school districts with increased autonomy and authority regarding allocation of resources and staffing. Participation is voluntary, but limited to the school districts of Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties. School boards selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education rules, with exceptions. Among other exemptions, the class size compliance calculation for participating schools is the school-level average, rather than the individual classroom level.

School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. Among other things, the proposal must identify three middle or high schools that received at least two school grades of "D" or "F" during the previous three school years, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operational efficiency. The state board may select up to seven school districts for participation in PAPPI. The initial term of the program is three years.

The bill grants the principals of participating schools greater authority regarding staffing decisions, allocation of financial resources, and budgeting. Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel. Before participation in the program may begin, such principals must complete professional development designed to enable them to implement increased autonomy. Participating school districts must guarantee participating schools at least 90% (rather than 80%) of the funds generated in the FEFP by that school.

Participating school districts must annually report measures taken to implement the program and results achieved to the state board. The state board may revoke a district school board's authorization to participate if the school board fails to meet program requirements. The Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives upon expiration of the initial three year term.

Other Personnel Bills of Interest

[HB 189](#) – Teachers Certification by Diaz (*Identical to [SB 432](#) by Hutson*)

Allows an individual to earn a professional certificate for grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual meets certain requirements.

[HB 705](#) – Interpreters / Hearing Impaired by Berman (*Comparable to [SB 916](#) by Altman*)

Requires SBE to establish standards for educational interpreters and school districts to notify parents if an individual providing interpreter services does not meet SBE standards and report to DOE information regarding individuals providing interpreter services.

[HB 719](#) – Education Personnel by Spano (*Similar to [SB 894](#) by Detert*)

Revises the membership of the Education Practices Commission; authorizes the Commissioner of Education to issue a letter of guidance to a certified educator upon finding that probable cause to prosecute a complaint does not exist; authorizes DCF to disclose child abandonment, abuse, or neglect records to DOE employees who investigate or prosecute misconduct by certified educators; eliminates the expiration date for the educator liability insurance program; authorizes, rather than requires, DOE to sponsor a centrally located job fair to help match educators with teaching opportunities in the state; requires DOE to coordinate a best practice community to help school districts recruit and perform other human resources functions with up-to-date knowledge; provides standards for approval of school leader preparation programs.

Charter Schools

[HB 7029](#) – School Choice by Choice & Innovation (*Similar to [SB 830](#) by Stargel*)

The bill requires each charter school applicant to disclose in its application the name of each applicant, governing board member, and proposed education services provider; the name and sponsor of any charter school operated by such parties that closed and the reason for closure; and the academic and financial history of such charter schools. The sponsor must consider the past history of these entities in deciding to approve or deny the application. The charter school must supply monthly financial statements to their sponsors as soon as the charter is approved.

The bill clarifies that termination of a charter occurs automatically when a charter school earns a second consecutive grade of “F” after school grade appeals are final, unless an exception applies. Hearings and appeals applicable to discretionary and immediate charter terminations are not applicable to double “F” terminations. The bill specifies that procedures regarding reversion of public funds and property purchased with public funds apply to double “F” terminations, as well as, voluntary closures.

In addition, the bill requires the governing board of a charter school that decides to cease operations voluntarily to make such determination at a public meeting and to notify the parents and sponsor of the public meeting prior to its official notice and, within 24 hours of the decision, the governing board must notify the sponsor, parents of enrolled students, and the DOE. The notice must state the charter school’s intent to continue operations or the reasons for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds specified in law.

The bill provides that a charter school that has not reached capacity may be open to any student in the state and authorizes a charter school to give enrollment preference to students who attended or are assigned to a failing school. The bill also prohibits a charter school from denying enrollment or withdrawing a student based on the student’s academic performance.

The bill requires a sponsor to deny a charter application if the proposed charter school reading curriculum is not evidence-based and does not include explicit, systematic, and multisensory reading instructional strategies. It also prohibits sponsors from requiring charter schools to adopt the school district's reading curriculum as a condition to receiving the research-based reading allocation.

The bill amends current law that requires a charter school to begin operation at the beginning of the school year following approval of the charter to provide that a charter school may defer opening for up to two years. The charter school must provide written notice of such deferral to the sponsor and parents of enrolled students at least 30 calendar days before the first day of school.

The bill clarifies that school board payments must be made monthly or bi-monthly, beginning with the start of a school board's fiscal year. In addition, during the first two years of a charter school's operation, a school board must distribute funds for the months of July – October based on the projected FTE student membership if a minimum of 75% of the projected enrollment is entered into the sponsor's student information system by the first day of the current month. If less than 75% of the projected enrollment is entered into the sponsor's system, the sponsor must base payments on the actual number entered into the sponsor's student information system. The bill also prohibits a sponsor from delaying payment of any portion of a charter school's funding based upon the timing of receipt of local funds by the school board.

The bill authorizes a nonprofit organization or municipality that operates a charter school that has use of any unrestricted surplus or unrestricted net assets identified in its annual audit to use those funds for charter schools within the district operated by that nonprofit entity or municipality. In addition, the bill authorizes a sponsor to withhold a total administrative fee of up to 3% for enrollment up to and including 250 students for a charter school that operates in a critical need area.

With regard to facilities and capital outlay funding, the bill authorizes charter schools to sue a local governing authority for imposing heightened building requirements or restrictions. In addition, the bill clarifies "financial stability" by specifying that a charter school may not have financial emergency conditions noted in its most recent annual audit in order to receive capital outlay funding.

High Performing Charter Schools

The bill amends provisions relating to high-performing charter schools. The bill revises the current limitation on replication of a high-performing charter school to provide that the limit does not apply to high-performing charter schools replicated to serve the attendance area of a traditional public school identified as in need of intervention and support under Florida's system of school improvement and accountability or to meet needs identified by the district. The bill also exempts a high-performing charter school whose initial application to expand is denied by the district but overruled by the State Board from paying the administrative fee to the district.

The bill outlines specific timelines for modifications to a high-performing charter school's charter and clarifies that it can be for an additional 15 years or a 15-year renewal. The sponsor has 30 days after a charter school receives its high-performing designation to provide a charter renewal to the charter school. A charter school and sponsor have 20 days to negotiate and notice the charter contract for final approval by the sponsor. The proposed contract must be provided to the charter school at least 7 calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. Any dispute goes directly to the Division of Administrative Hearings.

High Impact Charter Networks

The bill gives the State Board of Education authority to designate certain charter entities – including out-of-state entities – as “high-impact” charters based on demographic, academic, and financial performance data and other factors. The bill directs the State Board of Education to adopt rules prescribing the process for determining eligibility as a High-Impact Charter Network which must include a review of all schools currently and previously operated by the entity in the areas of student achievement and financial performance.

Schools operated by a High-Impact Charter Network will receive automatic eligibility for capital outlay funds, waiver of the administrative fee for the provision of services by the sponsor, and priority in the DOE’s Public Charter School Grant Program competitions. The bill provides that the initial High-Impact Charter Network status is valid for up to 4 years. For an entity seeking renewal, the state board must review the academic and financial performance of the charter schools in accordance with the rules established to define eligibility.

Additional Provisions

The bill amends statutes relating to student eligibility for virtual instruction to open enrollment to students in grades K-12, including students who did not attend public school in the prior year. In addition, the bill provides that a virtual instruction provider’s contract must be terminated, and the provider loses “approved provider” status, if the provider earns two consecutive school grades of “F” after grade appeals are final or 2 consecutive school improvement ratings of Unsatisfactory.

The bill amends provisions relating to acceleration options to allow passage of an AP Exam to qualify for high school course credits. The bill also clarifies that a district must allow any public or home education student not enrolled in the corresponding course to take an EOC assessment or AP exam during the regular administration of either. The bill also clarifies language regarding the minimum term requirement for purposes of the FEFP and removes the requirement that students in a blended learning course receive the online instruction in a classroom setting at the school.

The bill amends provisions relating to professional development programs to provide that each school district must and a private school or state-supported public school, including a charter school, may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence.

Finally, the bill removes all language requiring a financial adjustment to the FEFP funding for students who do not pass end-of-course assessments.

HJR 759 – Charter Schools by Diaz (Similar to [SJR 976](#) by Stargel)

The bill proposes amendments to Article IX, Section 4 of the Florida Constitution to require the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control, and supervise charter schools as provided by general law. The bill also provides that the school board shall operate, control, and supervise all free public schools within the school district, except charter schools under the control and supervision of the statewide charter school authorizer.

Other Charter School Bills of Interest

SB 808 – Charter Schools by Brandes (Similar to [HB 1255](#) by Rouson)

Authorizes municipal governing authorities to sponsor charter schools in the municipality over which the municipal governing authority has jurisdiction; deletes the prohibitions (consequently authorizes) on a high performing charter school from establishing more than one charter school that will substantially replicate its educational program per year and applying for additional charter schools that substantially replicate its education program unless each such charter school achieves high performing charter school status.

Public School Choice Options

SB 886 – Parent & Student Rights by Benacquisto (Comparable to HB 669 by Sprowls)

The bill amends provisions relating to student and parent rights with regard to school choice to:

- Replace the term “public school choice” with the term “public educational choice”;
- Add CAPE Digital Tool certificates, CAPE industry certifications, and collegiate high school programs to the list of public educational choice options;
- Add the Florida Personal Learning Scholarship Accounts Program in the list of private educational choice options;
- Provide that a parent has the right to know the average amount of money estimated to be expended from all local, state, and federal sources for the education of his or her child, including operating and capital outlay expenses; and
- Require DOE to annually provide each district the estimated amount of funding per student and requires each district to notify parents of the estimated amount.

The bill amends provisions relating to public school parental choice to:

- Delete references to “controlled open enrollment” throughout the statutes;
- Require, rather than authorize, each district school board to establish a public school parental choice policy that authorizes a parent to choose to enroll his or her child in, and transport his or her child to, any public school in the state which has not reached capacity;
- Authorize the district to provide transportation at the district’s discretion;
- Provide that a student assigned to a school may not be displaced by the public school parental choice policy;
- Provide that a student may continue to attend the chosen school until the student completes the highest grade offered by the school;
- Provide that, among other things, the public school parental choice plan must adhere to federal desegregation requirements, provide a lottery procedure, give preferred access to students in multiple session schools, maintain balance in specified demographics, and provide preferential treatment to dependent children of active duty military, siblings who could attend the same school, students residing in the district, and children who have been relocated due to a foster care placement;
- Authorize the school district to determine capacity, taking into account the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs;
- Provide that the policy must be in place so that, beginning with the 2017-2018 school year, a parent may choose to enroll his or her child in and transport his or her child to any public school that has not reached capacity, including charter schools, in any school district in this state;
- Require the receiving school district to accept the student and report the student for purposes of the district’s FEFP funding.
- Clarify that, for a student in grades 9-12, interscholastic and intrascholastic extracurricular student activity eligibility may be impacted by choosing to attend a school other than the school assigned by the district;
- Require each school board to annually report the number of students exercising public school choice, by type of educational choice; and
- Provide that, for a school or program that is a public school of choice under these provisions, the calculation for compliance with maximum class size is the average number of students at the school level.

The bill amends provisions relating to charter schools to provide that a charter school with space available must be open to any student in the state seeking enrollment under the provisions public school parental choice.

The bill amends provisions relating to additional educational choice options to provide that each district school board must establish a transfer process for a parent to request his or her child be transferred to another classroom teacher. A school must approve or deny the transfer within 2 weeks and, if a request is denied, the school must specify the reasons for the denial. An explanation of the transfer process must be made available in the student handbook or a similar publication.

The bill amends provisions relating to teachers teaching out of field to provide that if a student's teacher is teaching out of field, after the October student membership survey, the parent may request a transfer to another classroom teacher and the school district must grant the parent's request within 2 weeks.

SB 1634 – School Choice by Legg

The bill defines the statutory conditions under which a charter school or district innovation school of choice may be approved to calculate class size penalties at the school average. The bill:

- Establishes a definition for a school of choice to include concepts of innovation that are distinct and unique, along with open enrollment choice;
- Expands authority for school districts to pursue school board approved innovation schools of choice through the State Board of Education beyond just technology-oriented schools;
- Applies the new definition of schools of choice to both charter schools and district innovation schools of choice to be eligible for class size penalties calculated at the school level average;
- Removes authority for controlled open enrollment programs and schools of choice to utilize class size compliance calculations at the school level and provides that the class size penalty calculation at the school level may only be utilized by individual district innovation schools of choice and district-approved charter schools.
- Re-designates “district innovation schools of technology” as “district innovation schools of choice”;
- Expands the purpose of innovation schools so the schools develop innovation, which may include, but is not limited to, technology;
- Authorizes, rather than requires, a district innovation school of choice provide blended learning on a schoolwide basis;
- Removes the tiered limitations on the number of innovation schools of choice that may be authorized in small, medium, and large districts;
- Enable a district's application to the State Board of Education to propose multiple innovation schools of choice, although approval remains on a case-by-case basis;
- Strengthens the application requirements to require clearly defined, distinct and unique schoolwide, innovation and enrollment practices;
- Specifies performance metrics, including, but not limited to, trends and targets for student's performance improvement associated with the innovation;
- Removes autonomy for an innovation school of choice to restructure its school day or school year to accomplish its goals; and
- Requires a district innovation school of choice to demonstrate compliance with the performance metrics every three years in order to retain the class size penalty calculation at the school level average.
- Requires charter schools that wish to continue to have the class size penalty calculation at the school average to modify their contracts to clearly articulate how the charter school defines and provides innovation, to specify performance metrics, and to demonstrate compliance with the performance metrics every three years in order to retain the school level class size penalty calculation.

Athletics

HB 7039 – **Extracurricular Activities by Education** (Compare to [SB 684](#), [HB 31](#), and [SB 1026](#))

The bill increases accountability for the FHSAA by:

- Providing that special event fees, sanctioning fees, and gate receipts annually collected by FHSAA must reflect its actual cost in performing the function that is the basis of the fee;
- Requiring admission prices based upon the day, multiple-days or per-event basis;
- Requiring FHSAA to provide for resolution of eligibility disputes through an informal conference procedure, including waiver of its bylaws, and neutral third party review;
- Prohibiting a student from being declared ineligible until the neutral third party review is completed;
- Requiring eligibility proceedings to be conducted in the county where the student resides;
- Establishing escalating penalties for recruiting; and
- Allowing member schools to participate in FHSAA on a per-sport basis.

The bill authorizes any public school student, home education student, or student enrolled in an unaffiliated private school to participate in extracurricular activities offered by a school if the activity is not offered by the student's school or program. All students participating under these provisions must meet established academic and conduct standards. Regarding participation in interscholastic athletics, students enrolled in an unaffiliated private school, home education, full-time public virtual education, or any public school that does not offer any athletic programs may participate only at the public school where the student is first registered. The parent of a student participating under these provisions is responsible for transporting the student to and from the public school.

Additionally, the bill limits the reasons a student may be declared ineligible for interscholastic athletics and prohibits school boards and private schools from establishing transfer eligibility policies that are more stringent than the policies established by FHSAA or that treat transfers by student athletes differently than transfers by other students.

HB 833 – **Public School Recess by Plasencia** (Identical to [SB 1002](#) by Hays)

The bill amends provisions relating to physical education to provide that, in addition to the existing requirement for 150 minutes of physical education each week, each district school board must provide 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades so that there are at least 20 consecutive minutes of free-play recess per day. In addition, the bill provides that free-play recess may not be withheld for academic or punitive reasons. If passed, the bill would take effect July 1, 2016.

Curriculum & Instructional Programs

HB 7021 – **Reading Instruction by K-12** (Similar to [SB 1068](#) by K-12)

To help schools identify struggling readers more quickly and implement effective instruction and interventions, the bill:

- Requires the Just Read, Florida! Office to provide training in explicit, systematic, and multisensory reading strategies and identify instructional and intervention programs that incorporate those strategies;
- Requires school districts to use core and supplemental intervention materials which incorporate strategies identified by the Office in order to receive instructional materials funds;

- Requires teacher preparation programs to provide candidates for specified certification areas training in explicit, systematic, and multisensory reading strategies. Candidates for renewal of a certificate in the specified areas or for a reading endorsement must also receive training in those strategies;
- Prohibits districts from waiting until a student receives a failing grade in reading to initiate interventions;
- Enhances communication to parents by requiring the Department of Education to develop a handbook that districts must provide to parents of students with a substantial reading deficiency and requiring school districts to regularly update the parents on their child's progress;
- Extends early warning system coverage to students in kindergarten through grade 5 and specifies that a substantial reading deficiency is an indicator for students in kindergarten through grade 3;
- Requires teachers who teach retained 3rd graders to hold a reading certificate or endorsement;
- Promotes transparency by requiring the Commissioner of Education to annually report to the State Board of Education district reading performance information and identify effective intervention and support strategies used by school districts to improve the performance of struggling readers;
- Requires the department to periodically review certification and coverage areas that involve reading instruction and recommend changes to improve training and instruction;
- Requires prekindergarten instructors to receive training in explicit, systematic, and multisensory reading instruction and requires VPK program providers to provide specialized reading instruction to students who exhibit a deficiency in emergent literacy skills.

SB 1418 – Supplemental Academic Instruction by Simmons *(No companion bill)*

SB 1418 amends s. 1011.62, F.S., relating to funding for Supplemental Academic Instruction and for Research-based Reading Instruction. The bill provides that, for the 2016-2017 school year, each school district that has one or more of the 100 (rather than 300) lowest-performing elementary schools based on the state reading assessment must use the funds in the district's Supplemental Academic Instruction allocation together with the funds in the district's Reading allocation to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each such school. Students enrolled in these schools who have Level 5 assessment scores may participate in the additional hour of instruction on an optional basis. In addition, the bill provides that the 100 lowest-performing elementary schools must also provide at least 40 hours of instruction in a 2017 summer program to students who have Level 1 and Level 2 reading assessment scores. The bill deletes the reference to excluding exceptional student education centers in the identification of the 100 lowest-performing elementary schools.

In addition, the bill provides that, for an elementary school that is one of the 300 lowest-performing in reading, but not one of the 100 lowest-performing in reading, a school district must provide additional instruction through a plan adopted by the local school district. At a minimum, the plan must include 180 hours of additional instruction for students who have Level 1 and Level 2 reading assessment scores. A school district must provide the DOE with a copy of the district-approved plan. For the 2016-2017 fiscal year, the 300 lowest-performing elementary schools must be the same schools as those identified for the 2015-2016 fiscal year. Exceptional student education centers may not be included in the 300 schools.

[HB 1365](#) – Competency-Based Education by Rodrigues (S: [SB 1714](#) by Brandes)

The bill creates the Competency-Based Education Pilot Program within the Department of Education to provide an educational environment to allow students to advance to higher levels of learning upon demonstrating mastery of concepts and skills. The program shall be administered for 5 years, and eligible applicants include the P.K. Yonge Developmental Research School and Lake and Pinellas County school districts.

The bill requires the Department of Education to develop an application that must include, at a minimum:

- The vision and timelines for implementation of the program, including first year participating schools and additional schools that will be added in subsequent years;
- The annual goals and performance outcomes;
- A communication plan for parents and stakeholders, including local business and community members;
- The scope of and timelines for professional development for instructional and administrative personnel;
- A plan for student progression based on mastery of content;
- A plan for utilizing technology and digital and blended learning;
- The proposed allocation of resources at the school and district level;
- The recruitment and selection of participating schools; and
- The rules relating to student progression and award of credits that the district intends to waive for participating schools.

DOE must also compile student and staff schedules of participating schools before and after program implementation and provide participants access to statewide, standardized assessments. In addition, DOE must provide an annual report to the Legislature and the Governor, by June 1, summarizing the accomplishments of the program and recommendations for statutory revisions. DOE is authorized to adopt rules to administer this program.

[SB 468](#) – Computer Coding Instruction by Ring (Comparable to [HB 887](#) by Adkins)

The bill adds computer science and technology instruction-related responsibilities for high schools and district school boards, and establishes alternative means to demonstrate foreign language competency. High schools are required to provide opportunities for students to substitute two credits in computer coding courses of sufficient rigor, as identified by the Commissioner of Education, and a related industry certification for two credits in sequential foreign language instruction. Such computer coding courses, including the courses taken to earn the related industry certification, must be identified in the Course Code Directory. In addition, each district school board must develop a plan for offering a computer coding curriculum, which must be submitted to the Commissioner, President of the Senate, and Speaker of the House of Representatives by January 1, 2017. The bill requires Florida College System institutions and state universities to recognize the computer coding course credits as foreign language credits.

Facilities

HB 119 – Educational Facilities by Bileca (*Identical to [SB 442](#) by Flores*)

The bill authorizes a district school board to adopt a resolution to implement an exception to one or more of the following SREF requirements regarding the use of wood studs in interior nonload-bearing walls, paved walkways, roadways, driveways, and parking areas, covered walkways for relocatable buildings, and site lighting. The resolution must pass by a supermajority vote at a public meeting. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board will achieve cost savings, will improve the efficient use of school district resources, and impact the life-cycle costs and life span for each educational facility to be constructed. The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis and may occur at the same meeting at which the resolution will be voted upon.

HB 873 – Special Facility Construction Account by Diaz (*S: [SB 1064](#) by Flores*)

The bill modifies provisions relating to the Special Facility Construction Account program to incorporate technical changes suggested by the Department of Education and options recommended by the Office of Program Policy Analysis and Government Accountability. The bill:

- Preserves the prohibition on a school district from receiving SFCA funding for more than one approved project within a 3-year period, but extends this prohibition to any time during which any portion of the district's participation requirement remains outstanding.
- Clarifies that a school district's participation requirement is equivalent to all unencumbered and future revenue acquired during a 3-year period, beginning with the year of the initial appropriation and the next two years from Capital Outlay and Debt Service funding, PECO new construction funding, and discretionary capital improvement millage funding.
- Requires that, beginning in the 2019-2020 fiscal year, a school district seeking SFCA funding for a construction project must have levied the maximum discretionary capital improvement millage against its nonexempt assessed property value or an equivalent amount of revenue from the school capital outlay sales surtax for a minimum of three years prior to the request and for a continuing period necessary to meet the district's participation requirement.
- Removes the requirement that a school district's participation requirement be satisfied within a 3-year period.
- Reduces from 1.5 mills to 1.0 mill, the value of the discretionary capital millage that a school district with a new or active project must budget annually until the district's participation requirement is met.
- Makes June 1 the annual deadline for the district school boards to certify their final phase III construction plans as complete and in compliance with the building and life safety codes.
- Specifies that a school district may request a preapplication review of the district's construction project proposal at any time. However, if the district school board seeks inclusion in the department's next annual capital outlay legislative budget request, the district must make the pre-application review request before February 1.
- Changes the deadline for the committee or subcommittee to complete the preapplication review from 60 days to 90 days after receiving the preapplication review request.
- Modifies the way the SFCC and project review subcommittee determines whether a proposed construction project is a critical need. The bill requires the use of capital outlay enrollment projections that are based on demographic, revenue, and education estimating conferences rather than the enrollment projections determined by the department.

- Requires proposed special facility construction projects to be included in the most recent survey or survey amendment that is collaboratively prepared by a school district seeking SFCA funding and the department. This modification will allow the department to better assess the need for special facility construction projects and provide assurance to other school districts and the general public that the SFCA funds are spent on critically needed capital projects.
- Precludes a district, in preparation of a survey, from using a consultant who is employed by or receiving compensation from a third party that designs or constructs a project recommended by the survey.
- Authorizes SFCA funds to be used to pay for cost overruns necessitated by a disaster as defined in law or an unforeseeable circumstance beyond the district's control as determined by the SFCC.

Florida Retirement System Issues

SB 7014 – Florida Retirement System by Gov. Oversight (*Identical to HB 881 by Roulerson*)

Authorizes renewed membership in FRS for certain retirees; requires employer to make employer & employee contributions for certain purposes; requires that certain retirees be renewed members in investment plan; specifies that creditable service does not accrue for employment during specified period; prohibits certain funds from being paid into renewed member's investment plan account for specified period of employment; requires employer and retiree to make applicable contributions to renewed member's investment plan account; prohibits purchase of past service in investment plan; authorizes renewed member to receive additional credit towards health insurance subsidy; prohibits transfers to pension plan; provides for renewed membership in optional retirement program for certain retirees; prohibits purchase of past service in optional retirement program; revises definition of term "eligible employee"; provides for enrollment in investment plan for certain retirees; prohibits transfers to pension plan; provides for employer contribution rate increases to fund changes made by act; declares that act fulfills important state interest.

HB 1003 – Re-employment / School Personnel by Sullivan (*Comparable to SB 1356 by Brandes*)

The bill clarifies that retirees may be re-,employed only on a probationary or annual contractual basis consistent with the requirements of the FRS and the Student Success Act. The bill also clarifies legislative intent concerning eligibility for professional service contracts and annual contracts based upon the Student Success Act.

HB 1011 – Retirement / Cost of Living Adjustment by Slosberg (*Identical to SB 1326 by Soto*)

The bill sets the level of the annual cost of living adjustment for all FRS pension plan retirees and annuitants beginning July 1, 2016. The annual cost of living adjustment will be the greater of 3% or the percentage change in the Consumer Price Index for the Elderly as determined by the Bureau of Labor Statistics within the federal Department of Labor each year. The system-wide cost of the benefit enhancements set forth in the bill are estimated to be \$1.1 billion annually. State agencies, universities and colleges, school districts, counties and various other local governments participating in the Florida Retirement System will bear the cost.

SB 7012 – Death Benefits under FRS by Gov. Oversight (*Similar to HB 917 by Plasencia*)

Authorizes payment of death benefits to surviving spouse or surviving children of Special Risk Class member in investment plan; establishes qualifications & eligibility requirements in order to receive such benefits; prescribes method of calculating benefit; specifies circumstances under which benefit payments are terminated; provides legislative intent; requires SBA or Division of Retirement to take certain action upon receipt of notification of disqualification from IRS; authorizes state board & DMS to adopt rules; provides for allocations for death benefits authorized by act; adjusts employer contribution rates in order to fund changes made by act; provides directive to DOLRI; declares that act fulfills important state interest.