

April 11, 2014

MEMORANDUM

TO: District School Superintendents
FROM: Joy Frank
RE: Legislative Update

General Information

SB 864 by Senator Hays re to Instructional Materials just passed the full Senate. The bill eliminated the state adoption process and requires school districts to establish and operate a district adoption process. The vote was 21 to 19. Senator Montford spoke eloquently against the bill. Please call and thank the Senators who voted against the bill. They are Senators Abruzzo, Braynon, Bullard, Clemens, Dean, Diaz de la Portilla, Evers, Flores, Garcia, Gibson, Joyner, Margolis, Montford, Ring, Sachs, Smith, Sobel, Soto, and Thompson.

The House Companion, HB 921 by Rep. Matt Gaetz, has been amended to preserve the state adoption process, but provides more public input into the adoption of materials on the local level. In addition, it makes very clear that the materials adopted by districts are, in fact, the responsibility of the school districts.

Since both the House and Senate are taking a break next week for Passover and Easter, it is an excellent time for you to contact your local delegation members in the House to express concern about the Senate bill and also express support for the House version, as it is currently drafted. Below is a summary of the House bill that we support and then the concerns with the Senate bill, which we do not support.

CS/CS/HB 921 – Instructional Materials by Gaetz – Support in Current Form

The bill maintains the current statewide adoption program in the Department of Education.

The bill clarifies that each school board is responsible for the content of all instructional materials used in a classroom, whether purchased through an adoption process or otherwise purchased or made available in the classroom.

If a school board chooses to implement its own instructional materials program, the board must adopt rules that include the following:

- Selection of reviewers, one or more of whom must be parents with children in public schools.
- Review of instructional materials.
- Selection of instructional materials, including a thorough review of curriculum content.
- Reviewer recommendations.
- District school board adoption.
- Purchase of instructional materials.

The rules must also list the responsibilities of a reviewer and provide that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the state standards.

The rules must establish a process by which instructional materials are adopted by the board which include access to student editions of recommended materials prior to being adopted at a school board meeting and the opportunity for public review and comment on recommended materials.

A school board must also establish a process by which the district will notify parents of their ability to access their children's textbooks and materials.

Finally, the bill authorizes districts, beginning in the 2014-2015 fiscal year, to spend 100 percent of their instructional materials allocation for the purchase of digital or electronic instructional materials.

SB 864 – Instructional Materials by Hays (passed Senate and goes to House) – We do not support

Senate Bill 864 removes the Florida Department of Education entirely from the instructional materials adoption process and places the responsibility solely on local school districts.

Specifically, the bill:

- Abolishes a statewide adoption cycle (schedule) eliminating a uniform and consistent update of materials for all Florida students, and an accurate state cost analysis;
- Imposes a nearly impossible workload on each individual district, to accurately evaluate all materials, from all possible vendors, and then certify that they meet state standards;
 - The state receives 130 or more vendor applications per adoption cycle. It takes significant staff time to review the materials. The result is the need for additional staff to vet materials.
- Removes district flexibility to determine the make-up of their adoption review committees;
- Eliminates the requirement to purchase materials within a specific time period sharply reducing the availability of adopted material;
- Significantly increases district purchasing departments workload and necessary approvals of PO's for multiple individual publishers rather than to single state depository;
- Virtually eliminates the requirement for publishers to write to Florida standards and, instead, substitute generic content as they do for non-adoption states;
- Removes vendor incentives to provide test item banks that can assist with the development of student testing including end-of-course exams.

The bill is being touted as local control. In reality it is a local unfunded mandate transferred from state-local shared responsibility onto local school districts without paying for the resources needed for adoption and procurement procedures. Local control is not dictating that school districts *shall* conduct the process and then manage the step-by-step process statutorily as the Senate bill does. The Education Accountability Legislation –House (HB 7117) and Senate (SB 1642) - contains the *state* standards, the *state* assessments, the *state* school grading plan, and the *state* teacher evaluation system. If all is at the *state* level, why take the "*state*" out of instructional materials review and adoption?

We support a system including the following provisions:

- The State provides an adoption process to determine which materials meet the basic standards test etc.
- The State negotiates a state wide price for this menu of materials.
- School Districts implement a local process, including community participation, and opportunities for the public review of materials via online or in person, to ensure the content of the materials are appropriate for the students we serve.

Budget Information

The House and Senate are poised for conference. It has been tentatively announced that conference will begin on Monday, April 21. There are some major policy differences between the bills. At this point it is important to focus on the issues that may have the greatest impact. To demonstrate the fiscal impacts of the differences between the bills, revenue table is attached. There are also important policy differences between the House and Senate in the implementing and conforming bills passed by the two chambers, which will be analyzed separately.

Lottery Funding for Public Schools - Both SB 2500 and HB 5001 provide for Lottery funds to be used for public schools. SB 2500 provides \$309,692,837 to Classrooms First and Classrooms for Kids debt service, and \$541,770,251 for operating appropriations for the FEFP, Class Size Reduction, School Recognition, and Workforce Development. HB 5001 provides \$308,719,156 for Classrooms First and Classrooms for Kids Debt service and \$614,202,692 for the FEFP, Class Size Reduction, School Recognition, and Workforce Development. The Senate proposes about \$851.5 million and the House proposes about \$922.9 million of Lottery funding for public schools. There are no policy differences in the Lottery provisions between the two bills. The funding differences will be resolved in the Final Conference Report.

Fixed Capital Outlay - There are no major policy differences between the House and the Senate. There are differences in the amounts of the appropriations between the chambers that must be addressed in conference. The House proposes spending \$50 million and the Senate proposes spending \$40 million for PECO maintenance projects for “public schools” and the House proposes \$100 million in the same specific appropriation for “charter schools”, while the Senate proposes \$50 million for that purpose. The House also proposes \$27,289,184 for special facilities projects. These funds are divided among projects as follows: \$7,870,913 for Glades County, \$11,471,709 for Levy County, and \$7,946,562 for Calhoun County. The Senate proposes \$7,870,913 in Lottery funds for the Glades County special facilities project and PECO funds for the following special facilities projects: Dixie County: \$3.4 million, Holmes County: \$6.3 million, Washington County: \$4.0 million, Calhoun County: \$3.4 million, Madison County: \$3.6 million, and Levy County \$4.9 million.

Voluntary PreK Program - There are no major VPK policy differences between the House and Senate. However the House proposes a full year BSA of \$2,491 and the Senate proposes \$2,383, and the House proposes a summer BSA of \$2,134, while the Senate proposes \$2,026.

FEFP – The major policy differenced in the FEFP line items for HB 5001 and SB 2500 are reported below:

The Supplemental Academic Instruction (SAI) categorical has important differences between the House and the Senate. In HB 5001 the House adds a required expenditure to the SAI for a summer algebra

initiative. The bill allocates \$8,946,990 to be distributed through the SAI to school districts to implement quality summer algebra programs for students who have completed 8th grade who have not enrolled in algebra or who have not successfully completed algebra in the summer prior to entering high school. School districts must provide an expenditure plan detailing how these funds will be spent. When all eligible students have been serviced, the remaining funds can be used for any other SAI program. There is no similar proposal in SB 2500. HB 5001 raised the SAI allocation by the amount necessary to pay for this program.

SB 2500 makes a major change in the requirement to add an extra hour of instruction each day for the elementary schools with the lowest reading scores. The bill increases the schools required to have such an intervention from the lowest 100 to the lowest 300 ranked elementary schools. The estimated cost of this change is at least \$60 million. There is no increase in funding in the SAI proposed by the Senate to pay for this requirement.

The Instructional Materials categorical in HB 5001 is different from the item in SB 2500. HB 5001 increased the Instructional materials categorical about \$19.5 million. The bill includes about \$12.8 million for library materials, about \$3.5 million for science lab materials, about \$5.5 million for dual enrollment materials and about \$3.3 million for digital materials for handicapped students. SB 2500 increased the categorical about \$7 million. The bill includes about \$11.8 million for library materials, about \$3.2 million for science lab materials, about \$10 million for dual enrollment materials, and about \$3 million for the purchase of digital materials for handicapped students. The amount for dual enrollment increased \$5 million, consuming almost all of the total increase for instructional materials proposed by the Senate. SB 2500 includes the same language about \$165 million being available for districts to use to for digital materials that was included in the current year budget. HB 5001 does not include that language.

In addition to the differences in the amounts of the appropriations, there are differences in how HB 5001 and SB 2500 direct the funds provided for improving technology be used. HB 5001 states that the \$81.26 million in the FEFP is to improve student performance by integrating technology into teaching and learning. The House bill states that funds will be distributed as directed by the House conforming bill, HB 5101. It provides for a three -step process to create the needed technology infrastructure. Expanded details are included in HB 5101. SB 2500 contains fewer implementation details than HB 5001, but refers to SB 790 or similar legislation for implementation details. Specific details for implementation will be determined in the conference report on those bills, and will be reported with the conforming bills.

HB 5001 provides for the Virtual Instruction contribution and SB 2500 does not. The Senate bill eliminates the Virtual Education Contribution. The Florida Virtual School will be impacted the most from this policy should it be adopted. Funding for virtual students would revert to the FEFP formula that determines funding for all other students in Florida public schools.

SB 2500 requires \$9 million from the FEFP to be spent for training of principals and other district administrators on teacher evaluations, management, leadership, state standards and other general responsibilities. The FEFP in HB 5001 contains no such requirement. However, in Specific Appropriation 109, HB 5001 provides \$8,358,210 for Administrators Professional Development Training. The item specifies that the funds be used to provide professional training to district principals and assistant principals on teacher evaluations, management, leadership, state standards and data driven decisions.

Other than the appropriations amounts, there were no changes in language concerning Class Size Reduction in HB 5001 and SB 2500. However there is a major policy difference concerning Class Size Reduction that is contained in the conforming bills, which will be analyzed separately.

Other policy differences - There is a provision in SB 2500, in Specific Appropriation 110, providing funds outside the FEFP to support personal learning accounts for seriously handicapped students. There is no similar provision in HB 5001 related to personal learning accounts. Both the Senate and the House are proposing these accounts. The details of the personal learning accounts are addressed in separate bills. However, the Senate provides line item funding outside the FEFP, and the House seems to contemplate these funds being generated through the FEFP by adding FTE students to programs 254 and 255.

There are differences in the language that controls how district workforce development funds are to be used. SB 2500 continues to require out of state fees for non-resident students enrolled in adult general education programs. HB 5001 does not include out of state fees for non-resident students for adult general education programs. Both bills continue to require out of state fees for non-residents enrolled in programs leading to career certificates or an applied technology diploma.

The regional education consortia are funded differently in SB 2500 and HB 5001. SB 2500 provides \$500,000 for the consortia. HB 5001 provides \$1,445,390 for these organizations.

The fiscal differences between the FEFP in the two bills are displayed in the chart below.

Statewide FEFP Funding Differences

Item	House	House Amount Change from Third Calculation 2013-2014	Senate	Senate Amount Change from Third Calculation 2013-2014	Difference Between House And Senate
Total Students	2,724,486.95	25,686.10	2,724,486.95	25,686.10	0
Base FEFP	\$11,962,820,917	\$983,922,839	\$11,955,320,323	\$976,422,245	\$7,500,594
BSA	\$4,051.09	\$298.79	\$4,048.55	\$296.25	\$2.54
Declining Enrollment	\$2,740,783	(\$2,303,272)	\$2,740,783	(\$2,303,272)	0
Sparsity	\$48,290,342	\$2,535,964	\$48,318,959	\$2,564,581	-\$28,187
State Funded Discretionary	\$16,529,420	\$1,945,042	\$16,529,420	\$1,945,042	0
.748 Compression	\$163,056,531	\$11,910,441	\$163,056,531	\$11,910,441	0
Safe Schools	\$69,588,523	\$5,132,504	\$64,456,019	0	\$5,132,504
SAI	\$653,627,863	\$14,331,637 ²	\$644,680,873	\$5,384,647 ⁴	\$8,946,990
Reading	\$140,351,640	\$10,351,640	\$130,000,000	0	\$10,351,640
ESE	\$955,620,693	\$7,633,265	\$955,620,693	\$7,633,265	0
DJJ	\$6,302,762	\$1,013,538	\$5,295,902	\$6,678	\$1,006,860
Transportation	\$460,674,478	\$37,999,908	\$426,697,416	\$4,022,846	\$33,977,062
Instructional Materials	\$236,811,361	\$19,533,989	\$224,297,743	\$7,020,371	\$12,513,618
Teachers Lead	\$48,892,843	\$3,606,093	\$45,286,750	0	\$3,606,093
Virtual Education Contribution	\$24,242,502	(\$3,084,002)	0	(\$27,326,504)	\$24,242,502
Teacher Salary Allocation ¹	0	(\$480,000,000)	0	(\$480,000,000)	0
Administered Funds/ Additional Allocation	0	(\$9,810,000)	0	(\$9,810,000)	0
Digital/Technology	\$81,260,494	\$81,260,494	\$40,000,000	\$40,000,000	\$41,260,494
Principal Training Allocation	0	0	\$9,000,000	\$9,000,000	-\$9,000,000
Lottery/School Recognition	\$134,582,877	0	\$134,582,877	0	0
Class Size Reduction	\$2,974,774,845	\$8,681 ³	\$3,024,485,845	\$49,719,681 ³	-\$49,711,000
Total Funding	\$19,038,781,633	\$740,816,952	\$18,948,982,893	\$651,018,212 ⁵	\$89,798,740
\$/UFTE	\$6,988.02	\$207.98	\$6,955.06	\$175.02	\$32.96
Percent Increase in Total Funds	4.05%		3.56%		.49%
Percent Increase in Dollars per Student	3.07%		2.58%		.49%

¹ The Teacher Salary Allocation was rolled into the base because it is now a part of the district salary allocation and is funded from the base on an on-going basis like all salaries.

² Includes \$8,946,990 for required new expenditure for Summer Algebra Program

³ These increases include workload funding for 25,686.10 more students

⁴ This increase includes funding for the estimated \$60 million cost increase of expanding the required extra hour of reading instruction to the lowest 300 elementary schools.

⁵ This increase includes a new item of \$9,000,000 for principals' training, distributed among the districts.

Implementing and Conforming Bills

Implementing bills are part of the budgeting-appropriations-conference process each year and make changes to in law necessary to implement the General Appropriations Act (GAA). The provisions of implementing bills expire at the end of the fiscal year, similar to the GAA. Recently there have been relatively few major policy issues included in the implementing bills. The bigger policy issues have been included in budget conforming bills.

HB 5003, the House implementing bill includes only one provision that applies to K-12 public schools. That provision incorporates by reference the FEEP work papers into the Laws of Florida for the General Appropriations Act for the fiscal year.

The Senate implementing bill, originally SB 2502 contained several policy changes that are not in conformity with HB 5003. The differences must be reconciled in the budget conference. The chief policies in SB 2502 are identified below.

SB 2502 also incorporates by reference the FEEP work papers into the GAA. That is the only policy provision related to education shared by the House and Senate bills.

SB 2502 requires that the proviso language associated with the Instructional Materials Language in the FEEP line item be the controlling law for distributing instructional materials funds for FY 2014-2015, not the established provisions of Florida Statutes.

SB 2502 makes one year changes in the statutes related to the requirement to provide an extra hour of reading instruction in the elementary schools with the lowest reading scores. The changes require the extra hour to be provided to students in the lowest performing 300 elementary schools, an increase from the former threshold of the lowest performing 100 elementary schools.

SB 2502 makes changes in the law making the lab school at Florida Atlantic University eligible for a sparsity supplement. Both HB 5001 and SB 2500 increase sparsity funding to the full statutory level of 24,000 students in a district.

SB 2502 requires that the 2014-2015 PECO funds allocated for repair, maintenance, and remodeling be distributed to districts based on each district's pro-rata share of the Capital Outlay FTE students in the state, not based on the factors in the statutes.

HB 5101/SB 850

For several years both the House and the Senate have created, conferenced and passed budget conforming bills. The conforming bills make permanent changes in Florida Statutes that conform the law to the budget. There were concerns that the number and scope of these bills were becoming excessive and circumventing the normal legislative process. This year the Senate did not produce conforming bills. The House continued to create and pass conforming bills to the extent deemed necessary.

HB 5101 is the education conforming bill. The bill was heard in committee, amended on the floor, passed and sent to the Senate. The Senate had not passed an education conforming bill. The Senate took up SB 852, a bill by Senator Legg that restricted the authority of school districts to administer district-developed tests, and amended it extensively on the floor. In essence, it became the Senate conforming bill.

HB 5101 is the House education conforming bill. The bill establishes an educational Internet-based data transport service to be known as the Florida Information Resource Network (FIRN). The sections of the bill related to technology correspond to the \$81.3 million in the FEFP to support student performance by integrating technology into the classroom.

The House budget provides \$23,380,866 to fund costs associated with each district's use of FIRN not covered by E-Rate funds. It is the contention of the House and the representatives of FIRN that there is about twice as much E-Rate funding available than is currently captured by Florida, and that drawing down these funds will not reduce E-Rate revenue districts are currently receiving. The House budget also proposes \$25,116,922 to fund, at the school level, special construction costs related to new or enhanced fiber or other high speed network infrastructure, and \$14,262,706 to fund costs associated with upgrading the district's network infrastructure with eligible expenditures including wireless access points, controllers, and data networking equipment. HB 5101 specifies that FIRN "shall" be used by "each school district in preparation for and implementation and administration of the statewide standardized assessments. The bill allows the district to use FIRN for other eligible educational purposes as long as the assessment traffic has priority.

The bill specifies that FIRN must comply with the requirement that each FTE student funded in the FEFP have access to one megabit of bandwidth, no later than the beginning of 2017-2018.

HB 5101 allows a district to seek exemption from using FIRN for statewide assessments if the District certifies to the DOE that it has or will have executed a contract by July 1, 2014 that meets all these requirements: The contract must be eligible to receive E-Rate funds, must comply with the one megabit standard, must have comparable services as FIRN, including internet access, helpdesk support, security, network traffic analysis, utilization reporting, intrusion prevention, basic firewall protection, and content filtering services at a cost equal to or less than FIRN.

If the DOE and DMS verify that the district meets the requirements, the district will be authorized to use its portion of appropriated funds to pay the district's portion of its contract not covered by E-Rate.

HB 5101 also includes language that creates the "Technology Supplemental Allocation." The bill specifies that the allocation is created to integrate technology into the classroom and specifies the funds must be used for the following: To pay the costs associated with the district's use of FIRN, the costs associated with delivering high-capacity access to the district's network aggregation location or locations (and specifies elements of the eligible costs), the costs of delivering high-capacity Internet access to schools and the costs associated with upgrading a district's network infrastructure as necessary to deliver high-capacity Internet access to the district's network aggregation centers or to the individual schools.

HB 5101 also includes language that repeals the standards for assessing class size reduction penalties at the school wide average for charter schools and district choice schools. The bill repeals the section that increased the penalty to the amount of the CSR allocation plus the full BSA times the DCD, which was scheduled to begin in 2014-2015. The bill retains the penalty amount at the current level, which is the CSR allocation plus .5 times the BSA times the DCD. The Senate Conforming bill does not contain this provision.

SB 852 was used as a vehicle to create a Senate education conforming bill. There are several major elements in the Senate conforming bill that are not in the House bill. The bills are considerably different, and the differences will have to be addressed in the conference process.

SB 852 did not address any of the technology- related issues. SB 2500 (Senate budget) referred to SB 790 for technology issues, which is on Second Reading of the Senate Calendar. If this bill moves or become the vehicle for conference negotiations the bill has some elements that are similar to those in the House bills. The Senate bill requires the district to submit a plan for using the technology funds that includes specifying connectivity, broadband access, wireless capacity, Internet speed, and data security, all of which must meet or exceed minimum requirements and protocols established by the department. For each year that the district uses funds for infrastructure, a third party, independent evaluation of the district's technology inventory and infrastructure needs must accompany the district's plan.

The Senate bill adds language related to PECO debt service revenue streams, payments and reserves.

The Senate bill includes language that states that if the GAA does not provide for out of state tuition rates for workforce education postsecondary student fees, the tuition and out of state fee must remain at the same level as the prior year.

The Senate bill creates a National Merit Scholar Incentive Program. The program is intended to reward any Florida high school student who receives recognition as a National Merit Scholar or National Achievement Scholar. Should the provisions be adopted in the final versions of the bills the particulars will be of interest to district high school counselors.

The Senate bill contains many provisions related to handicapped students. The bill incorporates the substance of SB 1512, which proposed the Florida Personal Learning Accounts. The bill establishes the Florida Personal Learning Scholarships Accounts, and specifies all of the eligibility requirements, the responsibilities of various agencies for administering the program, and the fund source for the scholarships. The scholarships are funded in a separate budget line item outside the FEFP. This provision will play a key role in conference. The House has a similar program in HB 7167. The Florida Personal Learning Scholarship Account Program is similar, but not identical to the provisions in the Senate conforming bill. HB 7167 also includes the provisions to expand the Florida Tax Credit Scholarship Program. The expansion of that voucher program is a key priority of the Speaker of the House. The Senate bill related to that program has been withdrawn from further consideration.

In addition to the provisions of the Florida Personal Learning Scholarship Accounts, the Senate conforming bill also repeals the special diploma previously available to handicapped students and provides that these students either receive a standard high school diploma or a certificate of completion. The bill specifies the educational planning process for these students and transition planning and opportunities for these students. The House conforming bill does not address these issues.

The Senate conforming bill contains a provision to permit the parents of students with severe cognitive or physical disabilities to secure a permanent exemption from state testing requirements (the FAA). The House conforming bill does not address this issue.

The Senate bill makes changes in the third grade retention requirements. The bill requires the district to detail the specific criteria and policies of a portfolio to demonstrate mastery of Florida's academic standards for English Language Arts. It then allows a parent of a third grade student identified as being at risk for retention to request the district to begin collecting evidence for the portfolio at any time during the school year. The bill also states that any student who is promoted to fourth grade with a good cause

exemption from the promotion requirements be provided with specific diagnostic data and reading instruction. The House does not address this issue in HB 5101.

The bill has a provision that states that students who have received intensive reading intervention for two or more years but still demonstrate a reading deficiency, and who were previously retained in kindergarten, grade one, grade two, or grade three for a total of two years may not be retained in grade three more than once. The House does not address this issue in HB 5101.

The bill makes conforming changes to require an additional hour of instruction for students in the lowest performing 300 elementary schools. The House does not increase the number of low performing schools required to have an additional hour of instruction.

The Senate bill retains the original provision of SB 852 that prohibits district-developed assessments from being administered two weeks before or after a required statewide assessment.

Senate Committee Action – Major Bills

SB 212 by Hukill re to High School Graduation Requirements. The bill removes the requirement that financial literacy be included in the instruction of high school economics. Beginning with students entering 9th grade in the 2014-2015 school year, the high school graduation requirements must include one-half credit in personal financial literacy and money management instruction. Additionally, the bill reduces the number of required elective credits from eight to seven and one-half credits.

The bill passed the Senate Education Appropriations Subcommittee favorably and is now in the full Appropriations Committee. The companion, HB 367, has not been heard. There are no more substantive committee meetings scheduled.

SB 396 by Bean re to Joint Use and Public Access of Public School Facilities. The bill was substantially amended in committee and creates s. 768.072, F.S., relating to indemnification and liability insurance requirements for public school property joint-use agreements and joint community projects.

A district school board may, at its discretion, enter into a joint-use agreement with a local government or a private organization or adopt public access policies to enable public access to indoor or outdoor recreation and sports facilities on public school property. A joint-use agreement may specify the facilities to be used, the dates and times of use, and the terms and conditions governing use of such facilities; may provide for the full indemnification of the district school board by the local government or private organization for any damages arising from the joint use; and may require the local government or private organization to maintain liability insurance of at least \$200,000 per person and \$300,000 per incident to cover the indemnification.

A district school board may enter into agreements with a county, municipality, or Florida College System institution to develop and operate joint community projects. The agreements may specify how the joint community projects will be developed and operated, where the projects will be located, that the operating entity may enter into joint-use agreements pursuant to this subsection, how public access policies pursuant to this subsection will be adopted, and any other provisions necessary to develop and operate the joint community projects.

A joint-use agreement for a joint community project may specify the facilities to be used, the dates and times of use, and the terms and conditions governing use of such facilities; may provide for the full indemnification of the district school board by the county, municipality, or Florida College System institution for any damages arising from the joint use; and may require the county, municipality, or Florida College System institution to maintain liability insurance of at least \$200,000 per person and \$300,000 per incident to cover the indemnification.

This new section does not waive sovereign immunity beyond the limited waiver in s. 768.28. In addition, s. 1012.467 (noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements) does not apply to the portion of the property made available pursuant to this section when there is no school-sponsored or school-related program or activity in progress. This provisions does not expand the applicability of s. 1012.467.

The bill passed the Senate Community Affairs Committee favorably as a committee substitute. The House Companion, HB 277, has passed the House and has been referred to Senate Committees.

SB 420 by Detert re to Fine Arts Courses. The bill requires the Commissioner to prepare an annual report that includes information, based on annual reporting by schools, regarding student access to, and participation in, fine arts courses, etc.

The bill passed the Senate Education Appropriations Subcommittee favorably. The House Companion, HB 87, is on the House Calendar.

SB 598 by Bean re to Juvenile Justice Education Programs. The bill makes changes to the provisions of law governing the accountability, deliverance, and review of juvenile justice education programs that provide educational services to students within the Department of Juvenile Justice (DJJ).

The bill passed the Senate Education Appropriations Subcommittee favorably. The House Companion, HB 173, passed the House and has been referred to several Senate Committees.

SB 908 by Montford re to Education Funding. The bill provides additional bonus funding for students enrolled in Advancement Via Individual Determination (AVID) elective classes who earn a qualifying score on accelerated course assessments or, for students in grades 6 through 8, a passing score on an algebra or higher-level mathematics end-of-course examination.

The bill passed the Senate Education Appropriations Subcommittee favorably. The House companion has not been heard, but funding is in the House budget.

SB 1060 by Evers re to Code of Student Conduct. The bill provides that students are not subject to discipline for simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or expressing an opinion on Second Amendment rights.

The bill passed the Senate Judiciary Committee and has been placed on the calendar. The House Companion, HB 7029 has passed the full House and has been referred to several Senate Committees.

SB 1114 by Community Affairs re to Florida Retirement System. The bill makes the following changes to the Florida Retirement System (FRS), **for members initially enrolled in the FRS on or after July 1, 2015:**

- Mandates that Elected Officers' Class and Senior Management Service Class members may only join the investment plan;
- Changes the default for members who do not affirmatively choose a plan from the pension plan to the investment plan;
- Closes the Senior Management Service Optional Annuity Program to new members; and
- Changes the vesting period in the pension plan from 8 to 10 years;
- Changes the out of service disability retirement vesting period from 8 to 10 years.

The bill also lowers the employee's contribution rate from 3% to 2% for all members of the investment plan. However, the overall amount transferred into the investment plan member's account remains the same – with an increase in the employer contribution being substituted for the decrease in employee contribution.

The bill passed the Governmental Oversight and Accountability Committee as a committee substitute. The House Companion, HB 7173 is on Second Reading in the House.

SB 1206 by Montford re to Agricultural Industry Certifications. The bill establishes a process by which industry certifications for farm occupations are added to the list of certifications approved for funding in public schools and postsecondary institutions.

The bill passed the Senate Agriculture Committee favorably. The House Companion, HB 487, passed the House Appropriations Committee favorably.

SB 1394 by Legg re to Education. The bill increases from one to two the number of industry certifications that a student must earn to attain a Merit designation on his or her standard high school diploma. The bill was amended to include a school superintendent on the Children's Cabinet.

The bill passed the Senate Education Appropriations Subcommittee favorably. The House Companion, HB 7033, has passed the House Education Committee.

SB 1528 by Bradley re to Charter Schools. The bill was extensively amended in the Senate Education Appropriations Subcommittee and now only includes two provisions. The first relates to charter schools on military installations. The second, an amendment by Montford, requires that a charter application made by an individual, teachers, parents, a group of individuals, a municipality, a legal entity organized under the laws of this state, or any other third party associated with the management or reporting responsibility of the charter school contract shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student 1 enrollments and from community support, an expense projection that includes full accounting of the costs of 1 operation, including start-up costs, and fees paid to a third party for services and the purpose of such fees.

The bill passed, as amended, as a committee substitute.

SB 1226 by Montford re to Education (Repealer bill). The bill repeals discontinued or unfunded programs, corrects cross references, removes antiquated effective dates, eliminates duplicate reporting requirements, repeals concluded pilot programs, and updates terminology. The bill clarifies the

graduation requirements for certain high school students. In the 2013 session the Legislature passed SB 1076 which, in part, dealt with course and testing requirements for high school graduation. The bill explains how the new graduation requirements impact students who were in high school before SB 1076 passed.

The bill was amended in the Rules Committee to add a provision re to a process for the modification of school board membership.

The bill passed the Rules Committee favorably and should be on Special Order when received. The House companion, HB 7031, has passed the House and has been referred to several Senate committees.

House Committee Action – Major Bills

HB 753 by Steube re to School Safety. The bill was substantially amended in committee and authorizes a superintendents, with approval of the school board, to allow a school safety designee to carry a concealed weapon or firearm on school property. The bill defines person who may be designated as a school safety designee. If the school board approved use of a school safety designee, policies must be developed consistent with the language in the law and incorporated into its overall school safety plan.

The bill passed the House Judiciary Committee favorably as a committee substitute. The Senate Companion, SB 968 is in the Senate Education Committee.

HB 875 by Diaz re to Education Fiscal Accountability. The Education Committee adopted three amendments and reported the bill favorably as a committee substitute. The amendments:

- Provide for the selection of participating pilot schools by district school boards instead of the Commissioner of Education;
- Provide for the participation of 15 middle schools and 15 high schools in the pilot program on a first-come, first-serve basis;
- Remove the requirement that a school have received no higher than a grade of “C” over the past five years in order to be selected to participate in the pilot program;
- Require that the professional development component of the pilot program be provided to the principal and assistant principals in partnership with an organization with a demonstrated record of improving school leadership practices linked to increased student achievement and require that the professional development include on-the-job training.

The Senate Companion, SB 1100 has not been heard in committee.

HB 921 by Gaetz re to Instructional Materials for K-12 Public Education. See comments above. The bill is on Second Reading.

HB 1121 by Metz re to Hazardous Walking Conditions. The bill requires district school boards and state and local governmental entities to work cooperatively to identify and correct hazardous walking conditions. In addition, a state or local government with jurisdiction over a road containing a hazardous walking condition must state whether the correction of the condition will be included in its next five-year capital improvement program within 90 days of receiving a district school superintendent’s request for a position statement. If the correction will not be included, the bill requires the governmental entity to provide written justification for the omission.

The bill passed the House Education Committee favorably and is now on Second Reading. The Senate Companion, SB 1382 is now in Senate Appropriations.

Senate Floor Action – Major Bills

SB 864 by Hays re to Instructional Materials for K-12 Public Education. See comments above.

SB 1642 by Education re to Education Accountability. This is the accountability bill. There were two technical amendment on the floor. It passed the full Senate – 40-0. The House Companion, HB 7117, is on Second Reading.

SB 850 by Legg re to Education. The bill expands options to elementary students, expands options and strengthens requirements for middle school and high school students, creates a new middle grades early warning system to identify at-risk students, expands and strengthens anti-hazing provisions, and requires the Florida College System (FCS) institutions to establish a collegiate high school program for students in every school district in the colleges' designated service area.

Specifically, the bill:

- Clarifies digital skill areas and certificate options for elementary students;
- Expands acceleration options and strengthens accountability requirements for middle grade students;
- Requires any public school that includes any of the middle grades to implement an early warning system to identify students at-risk of not graduating from high school and annually report information and data on the school's early warning system in its school improvement plan;
- Expands anti-hazing provisions to the middle grades and requires each school district to adopt in rule a policy which prohibits hazing and establishes consequences for hazing;
- Specifies professional development requirements for middle grade teachers related to accountability requirements and new digital skills and content available to students;
- Requires that, for the purposes of calculating grade point average, a grade in a course that leads to an industry certification must be weighted the same as a grade in an Honors course.
- Establishes requirements for FCS institutions and school districts to provide a collegiate high school pathway for high school students to earn a full year of college credit while enrolled in high school;
- Provides additional, career-themed options for students in high school grades through new innovation courses and acceleration programs that, if successfully completed, are eligible to earn both high school and college credit; and
- Authorizes industry certification providers to notify students and parents about the college credits earned by the students, and the savings associated with earning the college credits, as a return on the investment of state dollars for the industry certifications earned by the student while in public school.

The bill also expands eligibility for sparsity supplement funds to lab schools with permanent high school centers in operation as of September 1, 2013. SB 2500, the 2014-2015 proposed Senate General Appropriations Bill, appropriates \$537,360 of general revenue funds for this expanded eligibility.

Additionally, the bill establishes bonus funding for elementary schools and teachers who directly assist students in attaining new digital skills, and expands funding to middle and high schools and teachers who directly assist students in attaining digital skills and industry certifications. Bonus funding is calculated as a component of the FEFP.

The bonus FTE components of the bill will have a minimal fiscal impact for the 2014-2015 fiscal year because there is a one-year lag between a student earning bonus FTE and funds disbursement for the bonus. Additional bonuses earned in the 2014-2015 fiscal year would not be paid until the 2015-2016 fiscal year. The additional bonus FTE reported for 2015-2016 fiscal year funding would be a discretionary decision on the part of future legislatures whether or not to provide additional funding in the FEFP.

The bill is now on Third Reading in the Senate. There are several House bills that contain portions of the Senate bill that are moving through committees or are in the budget conforming bill.

House Floor Action – Major Bills

HB 7167 by Fresen and Diaz re to Educational Choice. HB 7167 makes numerous changes to the Florida Tax Credit Scholarship program's student eligibility criteria, scholarship amounts, tax credit availability and scholarship funding organizations (SFO) accountability standards. Beginning in Fiscal Year (FY) 2014-15, the bill removes the prior public school attendance requirement for students whose household income is below 185 percent of the federal poverty level (FPL). Beginning in FY 2016-17, new eligibility is created for students whose household income is greater than 185 percent but does not exceed 260 percent of the FPL, as long as the student is eligible to enter kindergarten or first grade or attended public school in the prior year. SFOs are required to give priority to new applicants whose household income is below 185 percent of the FPL before serving newly eligible students. The bill increases the maximum scholarship limit to 82 percent of the unweighted FEFP funding amount, and in concert with the 2016-17 fiscal year increase in maximum household income for eligibility, creates a new tiered phasedown of the maximum, per-student scholarship amount. The bill also increases accountability for SFOs by strengthening the application, approval and renewal processes to participate in the programs by requiring additional financial, organizational and operational documentation in the application.

The bill also establishes the Florida Personal Learning Scholarship Account program to provide parents of students with disabilities more flexibility to customize their child's education using a wide range of instructional services. The bill establishes eligibility criteria and authorizes scholarship funding organizations to establish scholarships to reimburse parents for eligible educational services on behalf of their child.

The bill passed the full House by a vote of 73 to 43. The Senate Companion re to the scholarship program was withdrawn from further consideration. SB 1512 by Stargel is now in Senate Appropriations, and relates to the Personalized Learning Scholarship Accounts.

SB 188 by Hukill re to Education Data Privacy. The bill passed the House and should be enrolled and on its way to the Governor in a few days. This is the bill that prohibits the use of collecting or retaining biometric information of a student, parent or sibling of a student.