

January 17, 2014

MEMORANDUM

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

General Information

The House and Senate held the second and last set of interim committee meetings for January. Interim committee meetings are scheduled for three weeks in February beginning on February 3rd. It is anticipated that the Governor will release his Legislative Budget Request in early February and many of the appropriations committees will be focused on discussing his budget request. In addition, we anticipate discussions will begin on committee priorities, particularly in the House in February.

The House Choice & Innovation Education Subcommittee heard two bills. HB 319 by Moraitis relates to Maximum Class Size. The Florida Constitution limits the maximum number of students that may be assigned to each teacher per classroom in core curricula courses. Florida law requires DOE to reduce class size categorical funding for school districts and charter schools that are out of compliance with class size requirements. The penalty is calculated at the classroom level for traditional public schools and at the school level for charter schools and district-operated schools of choice. DOE must calculate the penalty for traditional public schools as follows:

- Step 1: Identify, for each grade grouping, the number of classrooms that exceed the maximum and the total number of students which exceeds the maximum for all classes.
- Step 2: Determine the number of full-time equivalent (FTE) students which exceeds the maximum for each grade grouping.
- Step 3: Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.
- Step 4: Multiply the total number of FTE students over the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2013-14 fiscal year.

A school district's class size reduction operating categorical allocation is then reduced by an amount equal to the sum of the calculations in Steps 3 and 4. In addition to the penalty, school districts that fail to meet class size limits must implement a compliance plan to remedy deficiencies. Beginning in FY 2014-2015 and thereafter, the total number of FTE students over the maximum for all classes must be multiplied by 100 percent of the base student allocation adjusted by the district cost differential, thereby increasing the amount of the penalty (see Step 4).

The bill revises the method for calculating the penalty for traditional public schools that fail to comply with the class size requirements by performing the calculation in Steps 2, 3, and 4 at the school average instead of at the classroom level. The increase in the penalty scheduled to begin in FY 2014-15 and thereafter is repealed. School districts must continue to assign students to teachers in a manner that

meets the classroom level maximums. Districts that exceed the classroom level maximums will still be required to implement a compliance plan. However, calculation of the penalty at the school average will reduce the monetary penalties levied against school districts.

The bill passed the subcommittee favorably and it will be referred to the Education Appropriations Subcommittee.

HB 277 by Spano relates to Joint Use of Public School Facilities. The bill encourages each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on public school property and to increase the number of joint-use agreements a board enters into with local governments or private organizations. A public access policy should outline the outdoor recreation and sports facilities that are open to the public and the hours the facilities are open. A joint-use agreement should set forth the terms and conditions for the shared use of outdoor recreation and sports facilities on public school property. School boards must submit public access policies and joint-use agreements to the Department of Education (DOE) within 30 days of adopting such policy or agreement. School boards must create a process that enables parties seeking a joint-use agreement with the school district to appeal to the district school superintendent if negotiations fail.

DOE is required to develop a model joint-use agreement and criteria for the acceptance of grants for implementing joint-use agreements and post on its website the model agreement, links to or copies of all public access policies and joint-use agreements submitted by school boards, and the grant criteria. The bill also grants a school board immunity from liability for civil damages for personal injury, property damage, or death occurring on public school property it opens for public use through a public access policy or joint-use agreement, during hours reserved for such use, unless gross negligence or intentional misconduct on the part of the school board is a proximate cause of the damage, injury, or death. The bill does not affect liability for incidents occurring during school hours or school-related or -sponsored activities.

The bill passed the subcommittee favorably and it will now be referred to the Civil Justice Subcommittee.

The **House K-12 Education Subcommittee** heard one bill and had a workshop on middle school grades reform. **HB 337 by Fresen relates to the Florida Teachers Classroom Supply Assistance Program.** The bill amends s. 1012.71, F.S., and requires the school board to calculate the amount each classroom teacher will receive under the program who is estimated to be employed by the school district or charter school on September 1 of each year. For a classroom teacher determined eligible on July 1, the school board and each charter school board **may** provide the teacher with his share by August 1, based on the estimate of the number of teachers who will be employed on September 1. For a classroom teacher determined eligible after July 1, the school board and each charter school board must provide the teacher with his share by September 30th.

The bill passed the committee favorably as a committee substitute and the bill will be referred to the Appropriations Committee.

The committee also distributed draft language for a **middle grades proposed committee bill**. The proposal amends s. 1001.42, F.S., and adds requirements to school improvement plans. A school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan information and data on the school's early warning system that identifies students who need additional support to improve academic performance. Section 1008.33, F.S., is amended to require that each middle grades school

implement an early warning system. The early warning indicators must include: attendance below 90 percent, one or more suspensions, course failure in English language arts or mathematics, and a Level 1 score on the statewide assessments in English language arts or mathematics. When a student exhibits two or more early warning indicators, the school's child study team or a team formed for the purpose of implementing these requirements must convene to determine appropriate intervention strategies. Section 1012.98, F.S., is amended to enhance professional development for teachers and administrators of students in the middle grades. Various statutes are amended to provide additional funding for industry certifications offered in middle grades. Finally, the bill expands and modifies the statutes prohibiting hazing in high school to include the middle grades.

The proposal will be filed and action taken at a future committee meeting.

The **House Education Committee** held a workshop on Early Learning and distributed and reviewed a legislative proposal. The proposal primarily deals with private providers but includes the following on VPK, etc. that impact school districts.

Amends s. 1002.53 re to VPK Eligibility and Enrollment -

- Authorizes Early Learning Coalitions (ELC) to authorize private providers to determine child eligibility for VPK.
- Requires such providers to keep enrollment records and allows ELCs to audit such records.

Amends s. 1002.55 re to School Year VPK; private providers –

- Requires private providers to either be licensed by DCF, hold accreditation that meets or exceeds DCF licensing standards, hold the Gold Seal Quality Care designation, or be a child development center on a military installation.
- Requires private providers to allow DCF to conduct inspections (excluding child development centers/military).
- Consolidates allowable instructor credentials in the same paragraph.
- Requires instructors employed by private providers to be trained in first aid and CPR by Jan. 1, 2015. Instructors hired on or after Jan. 1, 2015, must complete the training before employment.
- Adds failure to report child abuse as a disqualifying offense for instructors employed by private providers.
- Requires child care personnel employed by private providers to be at least 18 years of age, unless the personnel is not responsible for supervising children or is under direct supervision (effective Jan. 1, 2016).
- Requires personnel employed by private providers to hold a high school diploma or its equivalent, with exceptions (effective Jan. 1, 2016).
- Denies eligibility to offer VPK to private providers cited with a Class 1 violation in the 12 months prior to seeking eligibility.

Amends s. 1002.61 re to Summer VPK; public schools and private providers -

Adds failure to report child abuse as a disqualifying offense for instructors employed by public school and private providers of summer VPK program.

Amends s. 1002.63 re to School-year VPK; public schools -

- States that charter schools that are authorized to provide VPK in their charter are part of the school district's VPK program and subject to sponsor oversight.
- Adds failure to report child abuse as a disqualifying offense for instructors employed by public school providers of the school year VPK program.

Amends s. 1002.75 re to Office of Early Learning (OEL); VPK Powers and Duties –

- Amends required provisions of state provider contract to require:
 - Each private VPK provider to notify parents of violations and post citations on the premises for 1 year.
 - Each provider to furnish information to parents regarding school entry health examinations and immunizations required for entry into kindergarten and available hearing and vision screenings.
 - Child care personnel employed by a provider to be trained in developmentally appropriate practices aligned to the age and needs of children served by the personnel.

Amends s. 1002.82 re to OEL; School Readiness Program Powers and Duties –

- Requires OEL to implement an online child care personnel training course on school readiness performance standards by July 1, 2015.
- Amends required provisions of state provider contract to require:
 - Each provider to notify parents of violations and post citations for 1 year.
 - Child care personnel employed by a provider to be trained in developmentally appropriate practices aligned to the age and needs of children served by the personnel.
 - Personnel to complete the training course on the school readiness performance standards.

Amends s. 1002.87 re to School Readiness program Eligibility and Enrollment –

- Multiple OEL glitch fixes.
 - Revises eligibility granted to siblings to state that siblings are eligible until age 11, rather than until the school year in which they enter 6th grade. (OEL requested " age 13")
 - Clarifies that parents enrolling a child in the program must complete an application and submit it to the ELC.
 - Clarifies ELC duties regarding notice to parents whose child is determined ineligible or is disenrolled from the program.

Amends s. 1002.88 re to School Readiness program Provider Standards; Provider Eligibility –

- Requires providers to be either a licensed child care provider, a public school, or hold accreditation that meets or exceeds DCF licensing standards
- Requires licensed or accredited providers to submit to DCF inspections.
- OEL glitch fix. Clarifies liability insurance coverage requirements for private providers.
- Requires child care personnel employed by a provider to be at least 18 years of age, unless the personnel is not responsible for supervising children or is under direct supervision (effective Jan. 1, 2016).
- Requires provider personnel to hold a high school diploma or its equivalent, with exceptions (effective Jan. 1, 2016).
- Requires personnel to be trained in first aid and CPR beginning Jan. 1, 2015. Personnel hired on or after Jan. 1, 2015, must complete the training before employment.

The **House Education Appropriations Subcommittee** had implementation updates from DOE on District Technology Plans/Distribution of Technology Funding and Safe Schools Security Assessments.

The **Senate Education Committee** heard **SB 178 by Ring**. SB 178 changes current law to require, rather than authorize, district school boards to provide disability history and awareness instruction in all K-12 public schools beginning with the 2015-2016 school year. The instruction must be integrated into the existing school curriculum and be augmented by presentations from individuals who have a disability, are approved by the school or school district and meet existing background screening requirements.

The bill requires each public school in Florida to establish a disability history and awareness council and provides requirements for the council regarding membership, responsibilities, and frequency of meetings each year.

The bill passed the committee favorably and will be referred next to the Senate Children, Families, and Elder Affairs Committee.

The **Senate Education Appropriations Subcommittee** heard a panel discussion on Postsecondary Education in Career and Technical Centers. Three technical center directors spoke including Bob Crawford, Atlantic Technical Center (Broward), Doug Wagner, Manatee Technical Institute, and Diane Culpepper, Lake Technical Center. The testimony was well received by the committee.

The Joint Legislative Auditing Committee discussed and considered recommendations related to the Transparency Florida Act. The document is attached. School district finance officers have participated in several meetings and provided input into this issue. The major concern is the fiscal impact on school districts if the recommendations are fully implemented. The committee accepted the report with minimal discussion. Fortunately, members did express concern with requirements that had a fiscal impact. There was also a presentation of the Auditor General's Operational Audit of the Manatee County District School Board. Superintendent Rick Mills, the school board chair, and district administrators reported on the actions that have been taken to address and correct the fiscal and operational issues in Manatee County School District.

I hope this information is helpful. If you have any questions, please give me a call at 850.577.5784.