

February 19, 2015

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Allie Akre, Legislative Intern
Courtney Larkin, Legislative Intern

RE: Legislative Update – Week of February 16, 2015

General Information

This was the last set of interim committee meetings before the Regular Legislative Session begins on March 3, 2015. The House and Senate Education Appropriations Subcommittees did not meet this week. Committees continued with presentations, but also considered several bills.

During the House Prek-12 Education Subcommittee (see report below) Chair Adkins indicated that school start date would be addressed. The focus is going to be on having semester exams or EOCs completed before the winter break. The discussion focused on having a “hard date” rather than a date tied to Labor Day. Chair Adkins asked committee members to check with their superintendents and board members for recommendations. After the meeting, several district lobbyists met with Representatives Adkins and Mayfield to discuss the issue of school start date. Rep. Adkins has asked for more information as she looks to amend school start date language. Renae Wallace is sending out a survey of the questions. Please respond to the survey as soon as possible as we need the information by Monday.

The questions on the survey are below (but respond to them on the survey instrument as it captures and reports the information electronically).

- 1. How many minutes long are your high school courses? (i.e. 45 minutes each, 50, 55, etc.). The number of minutes impacts the needed number of days to achieve the statutory requirement of time needed to award a half credit.**
- 2. Does your school district normally finish the school year prior to Memorial Day?**
- 3. Would your district be opposed to a requirement that the school year end prior to Memorial Day?**

Senate Education PreK-12 Committee

SB 152 by Senator Ring re to Disability Awareness. The bill requires district school boards to annually provide disability history and awareness instruction in all K-12 public schools, during the first 2 weeks in

October, beginning with the 2016-2017 school year. Current law encourages school districts to provide the instruction.

The required disability awareness instruction must be integrated into the existing school curriculum and be augmented by presentations from individuals who have a disability, who are approved by the school or school district, and who meet existing background screening requirements.

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

The bill was amended to have the effective date be July 1, 2015.

The bill passed the committee favorably as a committee substitute.

SB 154 by Senator Hays re to Hazardous Walking Conditions. The bill removes language stating it is the intent of schools boards and other governmental entities to work cooperatively to identify hazardous walking conditions. The bill is amended to require school boards and entities to work cooperatively to identify hazardous walking condition and require school board to provide transportation to students subject to hazardous walking conditions. Additionally, state or local governmental entities with jurisdiction over a road along which a hazardous walking condition is determined to exist must correct the condition within a reasonable period of time. The bill extensively modifies the current process of a determination of a hazardous walking condition and subsequent correction of such condition. The definition of a hazardous walking condition is modified.

The bill passed the committee favorably as a committee substitute.

SB 602 by Senator Gaetz re to Students with Disabilities. The bill amends the Florida Personal Learning Scholarship Accounts Program (PLSA or program) by expanding the pool of eligible students, tightening program accountability requirements, streamlining program implementation, increasing Department of Education (DOE) responsibility to implement the program, and clarifying program implementation. Specifically, the bill:

- Expands student eligibility to include all students on the autism spectrum, per the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).
- Establishes eligibility dates for existing students to renew and new students to apply for the PLSA program.
- Requires that authorized expenditures must be for educational purposes.
- Authorizes expenditures associated with part-time private tutoring from persons meeting specified requirements (e.g., certified teacher and special skills).
- Requires that interest accrued remain in a PLSA account for the parent to use for authorized purposes.
- Requires a licensed physician to approve specialized services before being provided by an approved provider.
- Allows parents the ability to receive the scholarship funds before the beginning of the school year.
- Requires an eligible nonprofit scholarship-funding organization (SFO) to notify program participants of their annual ability to request new or revised matrix of services.

- Authorizes the Commissioner to determine the length of suspensions or terminations, and determine conditions for reinstating program eligibility.
- Adds an option for parents to use PLSA funds on providers from outside the State of Florida who meet similar regulation or approval requirements compared to in-state providers for specialized services.
- Clarifies that kindergarten students approved via “high-risk” status must re-qualify under one of the other disability categories when he/she reaches age 6 in order to renew program participation.
- Clarifies PLSA funds may be used toward enrollment at Independent Colleges and Universities of Florida (ICUF) institutions.
- Requires the Florida Prepaid College Board (Prepaid Board) to allow program funds to be used along with other funds to purchase a prepaid college plan, separately tracked and accounted, and used only after private prepaid funds in the account have been exhausted.

The bill passed the committee favorably.

The committee then workshopped three bills and did not take any votes.

SB 100 by Senator Bean re to Student Assessment Program.

SB 616 by Senator Legg re to Education Accountability

SB 774 by Senator Montford re to Education Accountability

Analyses of these bill were sent out in a previous email.

The committee took public testimony on testing and assessment issues. It was clear that members had heard from superintendents and others relating to the issues surrounding the administration of the FSA and other assessments and the teacher evaluation system. Members really wanted to hear specific solutions. FADSS was well represented and included Alberto Carvalho, Mike Grego, Tim Wyrosdick and Walt Griffin. In addition, several other superintendents were in the audience. All of the speakers were asked to submit specific recommendations to the committee as soon as possible. It is anticipated that the committee will take up the three bills at the first committee meeting in March.

As the committee began the discussion, the Governor’s Press release was issued and is reproduced below.

GOVERNOR SCOTT: WE MUST REDUCE TESTING IN FLORIDA SCHOOLS

DOE testing investigation recommends Florida students take fewer assessments

February 18, 2015

TALLAHASSEE, Fla. – Today, upon completing a testing investigation requested by Governor Rick Scott, Education Commissioner Pam Stewart recommended a reduction in the number of tests Florida students in public schools are required to take.

Governor Rick Scott said, “A quality education prepares students to succeed in college or a career so they can pursue their dreams. It’s important to measure students’ progress and achievements, but we must not lose sight of our goal to provide every student with the very best education. As I have traveled the state, I have heard from parents and teachers that there are too many tests and I agree. I would like to

thank Commissioner Stewart for leading an investigation of standardized testing and helping to determine which tests can be eliminated. I look forward to working with the Legislature to implement the Commissioner's recommendations and reduce the number of tests this year."

The investigation conducted by the Commissioner included: a comprehensive inspection of district-level assessments to better understand the number, frequency, and purpose; and an evaluation to determine whether the local assessment was already assessed by a statewide, standardized assessment.

Education Commissioner Pam Stewart said, "We worked closely with each school district to understand how many standardized tests are currently being administered. I appreciate that our state's school districts took the time to provide the department with detailed information regarding the tests their students are taking. There is, without a doubt, an excess of testing in Florida schools, and I look forward to working with Governor Scott and the Legislature to ensure we strike the appropriate balance between accountability and instruction."

Senate President Andy Gardiner said, "My Senate colleagues and I share Governor Scott's belief that we can effectively measure student learning through fewer and better tests. As we head towards the start of session, we look forward to a continued dialogue with Governor Scott as well as the parents, teachers and students across Florida who have played a role in this important discussion."

Speaker of the House Steve Crisafulli said, "Governor Scott has shown tremendous leadership on the issue of testing and accountability. Our shared goal is to ensure that our students receive a high quality education to prepare them for their futures. These recommendations will be carefully reviewed and considered by the House. I know our members have already embraced many of these ideas for the upcoming Session."

Florida has a strong, established statewide, standardized testing program that measures student progress and provides useful information to educators and parents. During the course of the Commissioner's investigation, the department identified several opportunities where the state requirements should be reduced. In order for Florida to move forward with fewer, better assessments, the Commissioner recommends enacting the following four measures:

- 1. Issue an Executive Order to suspend the grade 11 Florida Standards Assessment (FSA) for English language arts until legislation is enacted to eliminate the mandate.**
 - Governor Scott will work with President Gardiner and Speaker Crisafulli and quickly issue an executive order, which will later be codified into law during Session. Since students meet their English language arts graduation requirement upon completion of the 10th grade assessment, the grade 11 FSA for English language arts is no longer needed.
 - While the Governor and Legislature are working together on a comprehensive plan to address over testing, the Executive Order is necessary to provide immediate relief to eleventh graders.

- 2. Enact legislation to eliminate the Postsecondary Education Readiness Test (PERT) as a state mandate for grade 11 and make it optional.**
 - The Department believes that the PERT current practice should continue as an option for students in high school and local colleges.
 - Rigorous standards and increased graduation requirements are in place to ensure college and career readiness upon high school graduation.

3. **Enact legislation to eliminate the current progress monitoring requirements.**
 - The Department believes current state requirements are overly prescriptive and progress monitoring decisions should be left at the district level.
4. **Enact legislation to eliminate local final exams in courses/subjects where there is also a statewide standardized end-of-course exam.**
 - Current statewide end-of-course assessments are Algebra 1, Algebra 2, Geometry, U.S. History, Biology 1, and Civics.

Further, the Commissioner urges districts to consider the following recommendations:

1. **Give no more than one school-wide or district-wide interim assessment per course/subject per grading period.** Interim assessments are administered at certain times during the school year, and can be used to predict a student's ability to succeed on a summative assessment or to diagnose student learning gaps.
2. **Don't test students for the sole purpose of evaluating teachers.** It is important to recognize the contribution of teachers in students' learning. Students already take tests to determine whether they know their subject matter and districts should use information from these tests to help gauge teacher performance.
3. **Provide teachers, parents, and students with information about how students are doing on each assessment used to monitor student progress.** Teachers, parents and students deserve to know how well students are grasping the content they are taught. For parents, this information can be a sign that their child could benefit from additional assistance, while teachers may use the information to adapt their lessons to meet students' needs.

House Education (Full) Committee

The House Education Committee met to discuss the Early Learning bill EDC1. Eight amendments were proposed, and adopted relating to Class I violations and notification. The purpose of the bill is to increase health and safety requirements for School Readiness and VPK programs. Chairwoman O'Toole announced that addressing the quality of these programs was her next goal.

The Committee also discussed the FHSAA. Members reported parent and student feedback with respect to their interactions and opinions of the FHSAA. A majority of feedback was either neutral, due to lack of knowledge, or positive. Some concerns about equitable decision-making, recruiting, and inequities in the requirements of music and arts programs compared to athletics were reported by members. The Executive Director of FHSAA, Dr. Deering, gave a presentation and answered questions about funding and the appeals process. He highlighted the changes he's made to the Association, and focused on shifting costs away from schools. Members expressed concerns about modernizing the process, and resolved to pass a PCB with recommendations and new requirements.

Chairwoman O'Toole alerted members of the next issues that would be considered:

- **Personal Learning Scholarships, and expanding eligibility; and**
- **K-12 Accountability, and reducing testing and increasing local district flexibility with respect to testing, student progress monitoring, and teacher evaluation.**

She stated that there would be a K-12 Accountability PCB, and that she hoped to get each issue on the floor as soon as possible.

House PreK-12 Education Subcommittee

Representatives Adkins reviewed the testimony that had been provided by superintendents, board members, principals, and administrators over the last several meetings regarding attendance and academic intervention. She then reviewed provisions that will be included in a proposed committee bill. They include the following.

When superintendents and board members testified, the importance of implementing a strategic plan was discussed. The proposed bill will include provisions requiring the adoption of a strategic plan with periodic or annual review. The bill will include some ethical conduct standards for employees. It will also prohibit superintendents or school board members from advocating or hiring a relative. I have already spoken to staff regarding the problems with this proposal.

The bill will also update compulsory attendance laws; provide for the consistent use of terms for chronic absences; eliminate duplicate meeting for early warning of academic failure; etc. There will be a provision regarding faster access to student records by parents. The ability for 16 year olds to take a high school equivalency test will be authorized.

There will be a provision that requires superintendents to wait until certain conditions are met before a truancy petition may be filed. The school board will be required to adopt an early intervention policy. There will be other provisions relating to non-attendance including a requirement that a referral be made to other agencies if the initial meeting with parents of a student with high absenteeism does not resolve the problem.

There will also be several provisions relating to bullying including the requirement that the district's bullying policy be reviewed every three years and assurance that the policy is integrated into every school. There will be additional requirements for reporting bullying and harassment. The State Board of Education will be required to update forms. The Safe Schools categorical will be put into a substantive statute and reporting requirements expanded.

The school uniform issue will be considered in a separate bill and will probably include legislative findings that will assist districts that want to require school uniforms and/or a standard dress code.

Provisions regarding the approval and renewal of principal certification programs will be included.

Finally, the issue of a school start date will be considered. The focus is going to be on having semester exams or EOCs completed before the winter break. The discussion focused on having a "hard date" rather than a date tied to Labor Day. Chair Adkins asked committee members to check with their superintendents and board members for recommendations.

Additional Bills of Interest Considered by Committees

SB 7006 by Senate Education PreK-12 Committee re to Early Learning. The Senate Committee on Community Affairs met to discuss SB 7006, relating to Early Learning. The committee amended the bill to allow a district school board or charter school governing board to permit certain 4-year-old children to attend public kindergarten. The board must adopt a policy that requires the child to pass:

- The kindergarten readiness assessment pursuant to s. 1002.69, F.S.; and
- A social assessment developed or selected by the school district or charter school.

The Committee voted favorably with six yeas and zero nays.

SB 7024 by Senate Governmental Oversight and Accountability re to State Board of Administration. The main provision of interest to school districts is that if this bill passes, a proportional share of interest payments withheld in the liquidity crisis in 2007 will be reimbursed to participating school districts.

The Local Government Surplus Trust Fund (now known as “Florida Prime”) was created by the Florida Legislature in 1977. The Local Government Surplus Funds Trust Fund is open to all units of local government in Florida to invest their surplus funds. The primary investment objectives are safety, liquidity, and competitive returns with minimization of risks. In November 2007, the Local Government Surplus Funds Trust Fund experienced an unanticipated liquidity crisis when participants withdrew an unprecedented \$14 billion in funds in a single month. The withdrawals were triggered by fears of exposure to so-called “subprime commercial paper.”

Although less than one half of one percent of the fund was comprised of securities that, while rated top-tier at the time of purchase, subsequently became distressed, media reports fueled investor fears about the quality and security of the investments. Many participants lost confidence in the fund, leading to what can best be described as a classic “run on the bank” that significantly diminished the liquidity in the investment pool.

Faced with this liquidity crisis, the SBA’s Trustees implemented a temporary four-day freeze on withdrawals and deposits and created a separate second fund, the “Fund B Surplus Funds Trust Fund,” to hold these distressed securities. Fund B was also seeded with additional funding coming from the reserve account that existed in the Local Government Surplus Funds Trust Fund and the approximately \$95 million in November 2007 interest payments, which would have been distributed to all local government investment pool participants at month-end.

In 2008, the Florida Legislature passed a law to address the repayment of principal to Local Government Surplus Funds Trust Fund participants and statutorily created the Fund B Surplus Funds Trust Fund. Fund B’s goal was to maximize the present value of original principal balances. As of September 2014, Fund B participants have received 100% of their original principal. Since returning 100% of participant’s principal, additional returns and legal settlements have produced a residual balance within Fund B of approximately \$43 million.

The current statute has been interpreted to only allow residual proceeds to be returned to the fund from which they came (i.e., the Local Government Surplus Funds Trust Fund). The Participant Local Government Advisory Council, created in law in 2008, met to discuss the fair and appropriate distribution of residual proceeds. The Council determined the most equitable method of distribution would be the transfer of residual proceeds to those who were members in November 2007, on a pro-rata share of the interest withheld in November 2007.

The bill directs the State Board of Administration to distribute any residual balance in the Fund B Surplus Funds Trust Fund, after the original principal balance has been repaid to the trust fund participants, based on each's participant's proportional share of the November 2007 interest earnings that were withheld from distribution and transferred to the Fund B Surplus Funds Trust Fund. Therefore, school districts that had interest earnings withheld will receive a proportional share.

The bill also repeals the current limitation on the authority of the State Board of Administration to invest the funds of the Florida Retirement System Trust Fund in institutions doing business in or with Northern Ireland.

The bill will be submitted as a committee bill by the Senate Governmental Oversight and Accountability Committee.

SB 7030 by Senate Higher Education re to Postsecondary Education for Students with Disabilities.

SPB 7030 establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial aid in the form of an FPCTP Scholarship, requirements for institutions to offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement bill provisions.

The Senate Committee on Higher Education submitted SB 7030 as a Committee Bill with nine yeas and zero nays. There were no substantial changes made during the committee meeting.

SB 206 by Senator Hukill re to Financial Literacy Program for Individuals with Developmental Disabilities. The bill creates the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services (DFS). The goal of the program is to promote economic independence and successful employment of individuals with developmental disabilities by providing education, outreach, and resources on specific issues. These issues include financial education, financial and health benefit programs and services, job training and employment opportunities, and the impact of earnings and assets on federal and state programs. Navigating the complex network of federal and state requirements and finding employment resources can be difficult for individuals and their families. The bill requires the DFS to establish a clearinghouse for information regarding the program and other resources available on its website. The DFS is also directed to develop a brochure that describes the program.

Finally, the bill requires that financial institutions participating in the qualified public depository program participate in the Financial Literacy Program as a condition of eligibility for the qualified public depository program.

The bill has now passed both the Banking and Insurance Committee and the Appropriations Subcommittee on General Government.

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