

March 6, 2015

MEMORANDUM

TO: District School Superintendents

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

RE: Legislative Update – Week One

General Information

The **budget** is at a standstill and talk of a special session is already occurring. The Senate and House are far apart in building their respective budgets. There is uncertainty in the Senate regarding the funding of the Low Income Pool (LIP) program that provides \$2 billion in federal dollars to help hospitals serve indigent patients. Amendment 1 is another funding question. Then, the Governor wants to cut taxes. Until these issues are resolved, it is impossible to predict education funding.

Assessment and Accountability. As districts were rolling out the new FSA Writing Assessment, the Senate and House considered their respective assessment and accountability bills. The Senate voted a bill out of the Senate Education Committee. The House Education Committee discussed a proposal that will be officially considered on Monday. A summary of the Senate bill is below. I have attached a chart of the major elements of the House Proposal. Then, the House proposed bill and analysis that will be considered on Monday are attached.

Charter School Presentations: The full Senate Appropriations Committee had a two hour presentation on charter schools. Chair Lee said that charter schools had increased during the time he was not in the Senate. He wanted a comprehensive update of the growth of and issues regarding charter schools. After a presentation from Adam Miller from DOE there was a panel discussion. Superintendents Carvalho, Runcie, LeRoy, and Browning represented Superintendents. Representatives from Charter Schools USA, Academica, Lake Wales Charter Schools, and Kipp represented charter schools.

Repealer Bill. The House is considering a repealer bill. A chart is attached. If you have any issues with these proposed repeals, let me know.

CS/SB 616 - Education Accountability
By Senator Legg/Senate Education PreK-12 Committee

Section 1. Amends s. 1001.03 – Specific powers of State Board of Education.

Adds to powers and requires SBE to adopt rules requiring that districts publish a notification form that clearly identifies for parents and students the grade 3 retention and midyear promotion requirements and options, as well as high school graduations requirements and options. School districts must publish

the form on their websites and include the form in annual student handbooks. The notification form is also required when providing student performance results to parents on all assessments.

Section 2. Amends s. 1008.22 – Student assessment program for public schools.

Repeals the 11th Grade English Language Arts Assessments.

The bill amends subsection (6) and retains language requiring the measurement of student performance in all subjects and grade levels not included in the standardized assessment program as the responsibility of districts. “District-mandated” assessments are renamed “district-required local” assessments.

The bill prohibits a school district from administering a local assessment for subjects and grade levels that are measured under the statewide, standardized EOC assessments. Requires a district to provide student performance results on district-required local assessments to the student’s teachers and parents within 30 days after administering such assessments.

The bill removes current language requiring that districts administer local assessments in subjects and grade levels not measured under the statewide assessment program beginning in the 2014-2015 school year and the list of assessments that may be used. Most of this language is reinserted later in the bill.

Language is added that a school district may not schedule more than 5 percent of total school hours to administer statewide assessments and district-required local assessments. The district must obtain written consent from the parent before administering district-required local assessments that, after applicable statewide assessments, are scheduled, exceed the 5 percent limit. . The 5 percent limit may be exceeded to provide test accommodations for ESE students and ELL students. Notwithstanding this requirement, a student may, within a school year, choose to take an examination or assessment adopted by SBE rule pursuant to this section (student assessment program); s. 1007.27 (AP, IB, dual enrollment, AICE, etc.), 1008.30 (common placement testing for public postsecondary education) and s. 1008.44 (workforce development).

The district must adopt its testing schedule for the statewide and district required local assessments, clearly specifying the estimates of average time for administering each assessment by grade level. The district must publish it on the district’s website in a format prescribed by DOE.

Section 3. Amends s. 1008.25 – Public school student progression; remedial instruction; reporting requirements.

Removes the ability of a district to utilize a schoolwide system of progress monitoring for the remediation of a low performing student. Limits the district’s ability to have local standards that identify reading deficiencies; must depend upon results on statewide assessments.

Section 4. Amends s. 1008.30 – Common placement testing for public postsecondary education.

Authorizes alternative assessments such as the SAT, ACT, and other assessments to be used in lieu of PERT. The assessment is no longer a requirement and administration must be at the request of a parent. School districts are no longer required to address the deficiencies in postsecondary readiness.

Section 5. Amends s. 1008.34 – School grading system; school report cards; district grade.

Technical changes.

Section 6. Amends s. 1012.34 – Personnel evaluation procedures and criteria.

Subsection (3) is amended and the percentage of a teacher’s evaluation based on student performance is decreased from 50% to 33%. If less than three years of data, the percentage is reduced to 30% (currently 40%).

At least 33% of a performance evaluation for teachers must be based on instructional practice. Current law does not indicate a percentage. For school administrators, at least 30% of the performance evaluation must include indicators based upon leadership standards adopted by the SBE. Current law does not include a percentage.

For teachers, at least 33% of a performance evaluation must be based on instructional practice. Current law does not include a percentage. In addition, for classroom teachers, multiple observations must be used by administrative personnel to evaluate the performance of each classroom teacher. For school administrators, at least 30% of the performance evaluation must be based on instructional leadership. Current law does not include a percentage.

For both instructional personnel and school administrator no more than 33% of a performance evaluation must include professional and job responsibilities. Peer reviews may be used for this component.

Subsection (7) now relates to the measurement of student learning growth on both state and local assessments. Student learning growth models or VAM are retained for courses associated with statewide, standardized assessments.

For grades and subjects not assessed by statewide assessments, but otherwise locally assessed, the existing statutory language is modified but the requirement to measure performance of students using a methodology determined by the district remains.

A new paragraph (d) is added that includes much of the language that was deleted in s. 1008.22 relating to local assessments. Therefore, school districts continue to be responsible for the measurement of student performance in all subjects and grade levels, except those measured under the statewide assessment program. For subjects and grade levels not measured under the statewide program, each district is responsible for administering local assessments that measure student mastery of course content at the necessary level of rigor. Local assessment may include (similar to current list):

- a. Statewide assessments.
- b. Other standardized assessments, including nationally recognized standardized assessments.
- c. Industry certification assessment.
- d. District-developed or district-selected assessments (removes reference to EOCs).
- e. Teacher-selected or principal-selected assessments.

The language requiring each district to adopt policies for the selection and scoring of local assessments remains as does the language authorizing the use of a variety of assessment formats. The language reiterated that the district must provide performance results on local assessments to teachers and parents within 30 days of administering the assessment. As in current language, for all ELA, math, science, and

social studies courses offered in the district used to meet graduation requirements and which are not otherwise assessed by statewide assessment, the school board is limited to a. – d. above. New clarifying language is added so that for a teacher or school administrator to be eligible for a salary adjustment under the performance salary schedule, the student performance component of the performance evaluation must be based on an assessment described in a.-d. above and using a methodology determined by school districts. Such methodologies could include student learning growth, achievement levels, performance on statewide assessments, or for this school year only, measurable learning targets on local assessments.

Subsection (8) relating to rulemaking is amended and requires the SBE to adopt rules no later than August 1, 2015 relating to uniform procedures for review and approval of district evaluation systems; specific, discrete standards for each performance level; measurement of learning growth; and a process for monitoring district implementation. Specifically, the rule must establish student performance levels that if not met will result in the employee receiving an unsatisfactory performance evaluation rating; and also the level that must be met for an employee to receive a highly effective or effective rating.

Section 7. Section 1012.3401 – Requirements for measuring student performance in instructional personnel and school administrator performance evaluations; etc.

Technical and conforming language.

Section 8 – School district contingency plan.

Current law provides that school grades for the 2014-15 school year be calculated based on the new assessment, but such grades shall serve as an informational baseline. Consequently, schools would not be required to implement a turnaround option, sanctions and penalties are held in abeyance, the School Recognition Program would continue, and for retention and graduation purposes, this year’s assessment results would be linked back to last year’s results. Regardless of this transition language, a district could vote to request SBE approval to waive all of these transition benefits and instead use the results from the assessment administered in 2014-2015 for diagnostic and baseline purposes only. Therefore, no school grades would be issued if the waiver is granted.

The waiver request must be submitted to the commissioner by the superintendent from the last day of the administration of the statewide assessment through June 5, 2015. At a minimum, the request must include:

- The scope of the request which may be either a school district, certain schools or a school. It may not include a grade level, subject- area level or another level.
- The reason for the request, including a description of the systemic or unique implementation failure. Quantifiable data must accompany the request. Inability to assess the minimum percentage of students does not, in itself, is not acceptable.
- A corrective action plan that will resolve such failure in time for successful administration of the assessment during the 2015-2016 school year; including allocation of resources and technical assistance needs.
- Plan to use diagnostic data to facilitate continuous improvement of student performance and effectiveness of schools, etc. The district must describe plans for implementing student progression plans, performance evaluations of instructional personnel and school administrators, performance salary schedule requirements, and other uses identified by the commissioner.

The Commissioner must review each request and consult with the superintendent. The commissioner's recommendation may include conditional requirements that must apply if the waiver is approved.

For only the 2014-2015 school year, if the waiver is granted:

- A school or district may not receive a grade, improvement rating or district grade.
- A school may, at district's discretion, choose to use the assessment results in teacher and school administrator evaluations.
- The district will continue to have its student performance results included in statewide assessment results that are published by DOE.
- A school forfeits eligibility to earn school recognition funds.
- A school district forfeits the district's eligibility to earn the designation and benefits associated with high performance school district.
- The section expires July 1, 2016.

Section 9. OPPAGA Study

The bill requires OPPAGA to conduct a year-long study, beginning no later than August 1, 2015, to assess the cost-effectiveness of DOE leasing examination questions from AIR compared with using questions from an existing examination. No later than December 1, 2016, OPPAGA must provide a report to the Legislature on the findings of the study.

Section 10. Amends s. 1003.4282 – Requirements for a standard high school diploma.

Enrollment in remedial course is optional for students scoring Level 1 or 2 on the 9th or 10th grade ELA assessment. Currently, it is required.

Section 11. Amends s. 1003.4285 re to Standard high school diploma designations.

Removes 11th Grade ELA from Scholar Designation.

Section 12. Amends s. 1012.22 – Public school personnel; powers and duties of the district school board.

Clarifies that a classroom teacher whose performance evaluation uses measurable learning targets on local assessments (references s. 1012.34(7)(c)3.) must remain under the grandfathered salary schedule until his or her teaching assignment changes to a subject for which there is a statewide assessment or district-required local assessment or the district establishes equally appropriate measures of student learning growth as defined by s. 1012.34 and SBE rules.

Section 13. Effective date is upon becoming law.

The bill passed the committee favorably as a committee substitute. Senator Montford voted against the bill.

House Proposed Education Accountability Bill

See attachments.

The House Choice & Innovation Committee passed out a proposed committee re to Charter Schools that has been filed as HB 7037.

The bill creates the Florida Institute for Charter School Innovation at the Florida State University to:

- Provide technical assistance and support to charter school applicants and sponsors.
- Conduct research on policy and practice related to charter school accountability, instructional practices, finance, management and operations.
- Provide guidance regarding charter school management, administration, and instructional best practices.
- Provides opportunities for aspiring teachers to experience teaching in schools of choice.

The bill also:

- Clarifies that a sponsor may consider a charter school applicant's, governing board member's, and management company's past performance operating charter schools when deciding to approve or deny an application.
- Requires charter schools to be submitting monthly financial statements upon approval of the charter contract to enable the sponsor to begin monitoring the school's financial health earlier in time.
- Clarifies that charter schools that earn two consecutive grades of "F" are automatically terminated.
- Removes the limit on replication of high-performing charter schools if the charter school is created to serve high-need areas or school district needs.

The bill revises charter school funding provisions to:

- Clarify that charter schools do not have to adopt the school district's research-based reading plan in order to receive the research-based reading allocation.
- Specify that the reading curriculum approved by the sponsor and incorporated in its charter satisfies the research-based reading plan requirement for such allocation.
- Specify that a charter school may not have financial emergency conditions noted in its most recent annual audit in order to receive capital outlay funding.
- Prohibit the sponsor from delaying payments to charter schools based upon timing of receipt of local funds.
- Allow more charter school systems to act as the local education agency for purposes of administering federal education funding.

The bill removes the statutory eligibility requirements for enrollment in public K-12 virtual education, which currently limit virtual education options available to certain students who did not attend public school in the previous school year. The bill revises criteria triggering automatic termination of state-approved virtual provider's contract.

The removal of the eligible requirements for public K-12 virtual education has a fiscal impact, as it opens various virtual education options that are not currently available to students who did not attend public

school in the prior year. The estimated cost of this changes is \$4.2 million. The estimated cost of the establishment of the Florida Institute for Charter School Innovation is \$1.5 million.

The House K-12 Education Subcommittee considered PCB KTS 15-02 (a committee bill) relating to Standard Student Attire which has been filed as HB 7043. The K-12 Subcommittee held four meetings to discuss efforts to increase academic outcomes for students. The discussions included the respective roles of district school boards, superintendents, and school principals. During these discussions educational leaders identified various factors that affect student outcomes such as attendance, discipline and academic intervention for students at risk of dropping out. A consistent theme from these discussions was the important role of a safe and supporting learning environment, sometimes referred to as school climate.

Several school districts testified that school uniforms, or standard student attire, are effective at creating a safe and supportive environment by minimizing discipline problems and enabling students to focus on academics. Current law authorizes district school boards to adopt policies requiring school uniforms if the district school board finds that such policies are necessary for the safety and welfare of the student body or school personnel.

The bill revises the authority of school boards to adopt policies requiring school uniforms by removing the requirement that a school board must make a finding that school uniforms are necessary for the safety and welfare of students. The requirement is unnecessary because the bill enumerates some of the benefits of standard student attire which encourages students to express their individuality through personality and academic achievements, not outward appearances; enables students to focus on academics, not fashion, because they are able to project a neat, serious, studious image; minimizes discipline problems because students are not distracted by clothing; minimizes visible differences among students by using clothing that is more economical for parents; reduces time for correcting dress code violations through a readily available inventory of compliant attire; and eliminates social pressures to wear brand name clothing or “gang colors” thereby easing financial pressure on parents and enhancing school safety.

A standard student attire policy prohibits certain types and styles of clothing while requiring solid colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short or long sleeved shirts with collars. A standard school attire policy may authorize a small logo but may not authorize a slogan or motto and must allow a student’s parent to opt out of the policy for religious purposes or by reason of a disability. A school district that adopts a standard student attire policy that complies with the bill is immune from civil liability as a result of adopting such policy. The bill creates the safe schools allocation (\$10 million) and criteria for distribution of funds. However, the actual amount and allowable activities will be provided in the General Appropriations Act. Additional funds are provided to school districts with a standard student attire policy that complies with the bill.

The House K-12 Education Subcommittee considered PCB KTS 15-03 (a committee bill) relating to School Administration which has been filed as HB 7057. The K-12 Subcommittee held four meetings to discuss efforts to increase academic outcomes for students. The discussions included the respective roles of district school boards, superintendents, and school principals. During these discussions educational leaders identified various factors that affect student outcomes such as attendance, discipline and academic intervention for students at risk of dropping out. A consistent theme from these discussions was the important role of a safe and supporting learning environment, sometimes referred to as school

climate. Consistent with the testimony by educational experts and leaders before the subcommittee, the bill:

- Updates and streamlines provisions relating to compulsory attendance and enforcement for both public and private schools by:
 - Requiring districts to work with parents to find the cause of nonattendance.
 - Providing for consistent use of terms that describe students who are chronically absent.
 - Requiring districts to adopt a policy to provide early intervention for at risk students based upon prior attendance data.
 - Requiring districts to exhaust their responsibilities for addressing nonattendance or nonenrollment before the superintendent files a truancy petition.
- Revises requirements related to early warning systems (EWS) for middle schools by:
 - Clarifying that a school-based team must monitor EWS data and meet to discuss interventions only if an identified student is not already receiving services from an intervention program.
 - Requiring middle schools to evaluate their instructional practice professional development.
- Helps districts foster safe and supporting learning environments by:
 - Codifying the Safe Schools allocation and authorizing the State Board to withhold distribution of the funds to districts that do not comply with incident and bullying reporting requirements.
 - Requiring the Department of Education to periodically review the collection and classification of school incidents with stakeholders to increase the accuracy and transparency of school environment and safety incident reporting.
 - Requiring periodic review and consistent implementation of anti-bullying and authorizing discipline of teachers and administrators who knowingly do not report incidents.
 - Providing for professional development on suicide prevention.
 - Requiring DOE to notify districts of certain requirements related to protected school speech.
- Promotes transparency and strengthens ethical requirements for local school officials by:
 - Revising outdated terminology to make it clear that school boards must adopt standards of ethical conduct for administrative personnel and school officers.
 - **Prohibiting superintendents from appointing or employing a relative to a position under his or her direct supervision.**
 - Authorizing district school boards to withhold unpaid fines owed to the Commission on Ethics.
 - Providing faster access to school records for parents and students.
 - Allowing parents of students in a class with an out-of-field teacher to request placement in a class with an in-field teacher.

I testified regarding the potential adverse impact of the prohibition of appointing/employing a relative especially for small, rural districts. The committee chair wanted more information and I have suggested to staff that districts with a population of 150,000 or less be exempt.

Additional Bills Considered in Committees

HB 55 re to Children and Youth Cabinet by Rep. Harrell. The bill creates one additional Cabinet position on the Children and Youth Council to be held by a superintendent of schools who is appointed by the Governor. The bill takes effect July 1, 2015.

The bill passed the House Choice & Innovation Subcommittee favorably.

HB 113 re to Local Government Construction Preferences by Rep. Perry. Contracts for construction services over a specified, projected threshold cost must be competitively awarded. Florida law provides a preference for the employment of state residents in construction contracts funded by money appropriated with state funds. Such contracts must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work if state residents have substantially equal qualifications to those of non-residents. If a construction contract is funded by local funds, the contract may contain such a provision.

The bill provides that for a competitive solicitation for construction services in which 50 percent or more of the cost is to be paid from funds appropriated by the state, then a state college, county, municipality, school district, or other political subdivision may not use a local ordinance or regulation that provides a preference based upon the contractor's:

- Maintaining an office or place of business within a particular local jurisdiction;
- Hiring employees or subcontractors from within a particular local jurisdiction; or
- Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

It requires a state college, county, municipality, school district, or other political subdivision to disclose certain information regarding the use of funds appropriated by the state in its competitive solicitation document. The bill also provides that other than the requirements imposed for solicitations involving state funds, a state college, county, municipality, school district, or other political subdivision is not prevented from awarding a contract to a contractor in accordance with applicable state laws or local ordinances or regulations.

HB 113 was reported favorably by the House Local Government Affairs subcommittee. The committee adopted an amendment that increases the prohibition threshold from 20 percent to 50 percent or more of the cost to be paid from funds appropriated by the state. The Senate Companion - SB 778 – re to Local Government Construction Preferences by Senator Hays was also considered this week. The bill passed the Senate Community Affairs Committee favorably as a Committee Substitute.

HB 143 re to American Founders' Month by Rep. Bileca. The bill designates the month of September as "American Founders' Month" and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month. It requires district school boards to observe "American Founders' Month" and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents (the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers) that institutionalized individual liberty and limited government. Celebrations during this month may be coordinated with Celebrate Freedom Week. The bill takes effect July 1, 2015.

The bill passed the House K-12 Subcommittee favorably.

HB 163 re to Public Records/Contractors by Rep. Beshears. The State Constitution and Florida Statutes govern access to records of state and local agencies. Current law in part defines terms, provides for assessment of certain fees associated with responding to public record requests, requires certain contracts with public agencies to contain provisions regarding public records, and provides for the assessment of attorney fees for an agency found in violation of the public records law. Private contractors

who act on behalf of a public agency are required to comply with public records laws in the same manner as a public agency.

This bill requires a public agency contract for services to include a statement in large, boldface font informing the contractor of the name and phone number of the public agency's records custodian and to contact the records custodian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract. The contract also must state that the requirements of s. 119.0701, F.S., apply to the contract unless the agency has determined otherwise.

The bill repeals the requirement that the contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon termination of the contract.

The bill requires the public to make all public record requests regarding contracts for services directly to the agency rather than to the contractor. If the public agency does not have the requested records, the agency must immediately notify the contractor of the request, and the contractor must produce the records within a reasonable time. A contractor who fails to produce the requested records within a reasonable time may be subject to criminal penalties.

The bill also provides that costs and attorney fees will not be assessed in a public records enforcement lawsuit relating to a public agency's contract for services unless the plaintiff sends a certified letter to the responsible public agency's records custodian, and the contractor if the contractor is a named party, at least three business days in advance of filing suit.

The bill passed the House Government Operations Subcommittee favorably as a committee substitute.

HB 291 re to Involuntary Examinations of Minors by Rep. Harrell. The bill requires each county school health services plan to provide for immediate notification to a student's parent or guardian if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination. The bill amends the definition of "emergency health needs" for purposes of school health services programs to expressly include onsite evaluation for illness or injury and release to a law enforcement officer. The bill requires a public school's principal, or his or her designee, to notify a student's parent or guardian if the student is removed from the school for an involuntary examination. The bill also provides notification requirements for receiving facilities that hold minor patients for involuntary examination.

The bill passed the House K-12 Subcommittee favorably.

HB 357 – Relating to Principal Autonomy Pilot Program Initiative by Rep. Diaz. 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. School districts 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 district participation in PAPPI is voluntary. 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 whose principals will have greater fiscal and administrative autonomy, 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 six 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 percent of the funds generated by that school. The current minimum guaranteed is 80 percent of such funds.

Participating school districts must annually report measures taken to implement the program and results achieved to the state board. 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.

The bill passed the House K-12 Subcommittee favorably as a committee substitute. The committee substitute changed the name of the pilot program from the Charter School District Pilot Program to the Principal Autonomy Pilot Program Initiative; removed provisions stating that a participating school district is exempt from provisions regarding the uniform opening date for schools; revised the statutory exemption regarding maximum class size to state that the compliance calculation for participating schools is the school level average. (The original bill allowed calculation at the school level average for all schools in a participating school district); and added provisions authorizing the inclusion of professional development provided to participating principals in DOE's calculation of a participating school district's classroom expenditures.

HB 477 – re to Background Screening by Rep. Sprowls. Currently, the law governing educator background screening does not include instructional personnel employed by state-approved virtual instruction providers in the Florida Shared School Results system (FSSR), an existing database designed to enable school districts to share background screening results of vendors and other individuals who contract with multiple districts. This often results in duplicative screening of these individuals, as school districts contracting with the virtual instruction provider have no way to share screening results. Among other things, the bill requires the Florida Department of Law Enforcement (FDLE) to enter background screening results of instructional personnel employed by such virtual instruction providers into the FSSR.

The bill also adds nine new crimes to the current list of 51 disqualifying offenses for educator certification and employment in positions requiring direct contact with students to include crimes relating to failure to report child abuse; evidencing prejudice while committing an offense, if reclassified as a felony; attempted felony murder; killing of an unborn child by injury to mother; human trafficking; weapons of mass destruction or hoax weapons of mass destruction; bribery; poisoning food or water; and treason. Except for failure to report child abuse, each of these crimes is already specified in State Board of Education rule as grounds to suspend or dismiss instructional personnel.

The bill updates processes for retention and sharing of background screening results to align state law with the anticipated federal implementation of the national retained arrest print notification program. It also requires FDLE to identify in rule the fee assessed by the FBI for participation in the national retention program and limits screening fees school districts may charge to certain personnel and contractors.

Among other technical and conforming changes, the bill:

- Provides immunity from civil and criminal liability to employees of approved virtual instruction providers who share criminal history information in good faith while conducting background checks.
- Specifically applies statutory requirements regarding Department of Education investigations, complaints, and disciplinary action against an educator's certificate to instructional personnel employed by approved virtual instruction providers.
- Adds specific reference to approved virtual instruction providers and charter schools as educational providers that law enforcement agencies must notify when employees are charged with certain crimes.
- Specifies that the crimes for which such notice must be provided include the disqualifying offenses for educator certification and employment.
- Incorporate by reference the newly amended disqualifying offenses for educator certification and employment with other sections of law that reference to such offenses.

The bill passed the House K-12 Subcommittee favorably.

HB 549 – Relating to Associations of Government Officials by Rep. Diaz. In Florida, not for profit corporations are regulated by the Florida Not For Profit Corporation Act (Act), which outlines the requirements for creating and managing a not for profit corporation as well as the powers and duties of the corporation. The Act authorizes not for profit corporations to be created for any lawful purpose or purposes not for pecuniary profit and not specifically prohibited to corporations by other state laws.

Not for profit corporations are required to submit an annual report to the Department of State that contains basic information about the corporation, including the date of incorporation, the names and addresses of the corporation's directors and principal officers, and the addresses of certain corporate offices.

A not for profit corporation may receive public funds from the state or a local government in certain situations, such as through a grant or through payment of membership dues authorized for governmental employees and entities who are members of certain types of not for profit corporations.

The bill defines the term "membership association" as a corporation not for profit, including a department or division of such corporation, whose membership includes elected or appointed public officers and that receives at least 25 percent of its annual revenue from public funds. The bill specifies that the term does not include a labor organization. As the term is defined, FADSS would be included in the definition.

The bill requires a membership association to file an annual report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The report must include contact information for the membership association, officers and representatives of the membership association, and any affiliates of the membership association. The report also must include information about the membership association's finances, including the amount of the fee required to become a member and of the annual membership dues, a copy of the current financial statements, a description of assets and

liabilities, a description of salary and allowances paid to each officer and employee who received more than \$10,000 from the membership association during the preceding fiscal year, the amount of the benefits packages paid to each principal officer, and the amount of disbursements for lobbying activity and litigation.

The bill also prohibits a membership association from expending moneys received from public funds on litigation against the state.

The bill passed the House Government Operations Subcommittee favorably as a committee substitute.

HB 583 – re to Single-Sex Public Facilities by Rep. Artiles and others. Currently, no statute specifically prohibits a person of one sex from entering a facility intended for use by the other sex. Recently, local governments have enacted ordinances specifically allowing persons to use any single-sex facility that that such person identifies with. The bill:

- Provides that it is a second degree misdemeanor criminal offense for a person of one sex to enter into a single-sex facility designated for persons of the opposite sex;
- Creates a civil cause of action against a person of one sex who enters a single-sex facility designated for persons of the opposite sex;
- Creates a civil cause of action against an entity that does not take steps to prevent persons of one sex from entering a single-sex facility designated for persons of the opposite sex;
- Provides exceptions that appear to conform to social norms allowing persons of one sex who enter into a single-sex facility of the opposite sex;
- Provides that exclusion of a person from a single-sex facility of the opposite sex does not violate state discrimination laws;
- Recognizes for purposes of this law a gender change that qualifies as a gender change reflected in either a state driver license or a United States Passport; and
- Pre-empts local ordinances that are in conflict.

The bill passed the House Civil Justice Subcommittee favorably as a committee substitute.

SB 152 re to Disability Awareness by Senator Ring. 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. The required disability awareness instruction must be integrated into the existing school curriculum and be taught 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 district costs associated with the required disability awareness instruction would be paid from existing FEFP funds or other local sources. No additional state funds would be needed. The bill takes effect July 1, 2015.

The bill passed the Senate Appropriations Subcommittee on Education favorably.

SB154 re to Hazardous Walking Conditions by Senator Hays. The bill requires that district school boards, in cooperation with the relevant governmental entities, inspect and identify hazardous conditions along routes that students must take while walking to or from school. The bill also requires that the relevant governmental entities correct any hazardous walking conditions within a reasonable period of time. The bill:

- Revises the conditions for identifying walkways parallel to a road as hazardous.
- Creates criteria for identifying conditions at uncontrolled crossing sites as hazardous.
- Revises the process for inspecting, identifying, and correcting hazardous walking conditions.
- Authorizes a district school board to initiate a proceeding to obtain a declaratory judgment if, after inspection, the governmental representatives are unable to reach a consensus on whether a hazardous walking condition exists.
- Provides that the designation of a road as a hazardous walking condition is inadmissible as evidence in a civil action for damages against a governmental entity.

The bill passed the Senate Community Affairs Committee favorably as a committee substitute.

SB 346 re to School Bus Stop Safety by Senator Simmons. The bill reclassifies the offense for passing a stopped school bus on the side that children enter and exit while displaying a stop signal from a noncriminal traffic infraction to the criminal offense of reckless driving. Additionally, the bill increases the penalties for failing to stop for a school bus. The bill provides for an effective date of October 1, 2015.

The bill passed the Senate PreK-12 Committee favorably as a committee substitute.

SB 602 re to Students with Disabilities by Senator Benacquisto. The bill amends the Florida Personal Learning Scholarship Accounts Program by expanding the pool of eligible students, tightening program accountability requirements, streamlining program implementation, increasing the DOE's responsibilities for implementation of the program, and clarifying program implementation. Specifics of the bill include:

- Expanding student eligibility to include all students on the autism spectrum, per the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).
- Establish eligibility dates for existing students to renew and new students to apply for the PLSA program.
- Requires that authorized expenditures 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 of Education 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 to those applicable 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, be separately tracked and accounted for, and used only after private prepaid funds in the account have been exhausted.
- The bill increases the number of students potentially eligible for a scholarship by including all students on the autism spectrum.

The bill passed the Senate Appropriations Subcommittee on Education favorably as a committee substitute.

SB 688 re to Opening and Closing of Schools by Senator Montford. The bill allows schools to open up to 7 days earlier than current law allows. The bill authorizes district school boards to begin the school year up to 21 days before Labor Day each year. The bill allows academically high performing districts whose calendar for the 2015-2016 school year was approved by the district school board before May 1, 2015, to waive compliance for the 2015-2016 school year.

The bill passed the Senate PreK-12 Committee favorably as a committee substitute. Representatives of the tourism/attractions industry spoke against the legislation but also said they would work with Senator Montford. Also, the House Assessment and Accountability bill includes a start date of August 10th.

SB 818 re to Maximum Class Size by Senator Garcia. The bill revises the method for calculating the penalty for failure to comply with the class size requirements by performing the calculation at the school average instead of at the classroom level.

The bill passed the Senate Education PreK-12 Committee favorably.

SB 7022 re to Individual with Disabilities by the Senate Governmental Oversight and Accountability Committee. The bill modifies the State of Florida's employment policy to provide enhanced opportunities for persons who have a disability to be employed by executive branch agencies. Specifically, the bill requires each executive agency to:

- Establish annual goals in its affirmative action plan that ensures full utilization of underrepresented groups in agency's workforce, including those who have a disability;
- Annually report its progress toward increasing employment of individuals who have a disability
- By January 1, 2016, develop agency-specific plan on promoting employment opportunities for individuals who have a disability.

Additionally the bill develops a programs geared toward individuals who have a disability in consultation with the Agency for Persons with Disabilities, the Division of Vocational Rehabilitation within the Department of Education, the Department of Economic Opportunity, and the Executive Office of the Governor It develops mandatory training programs for human resources personnel and hiring managers of executive agencies that support the employment of those with disabilities. It assists executive agencies with implementing the agency-specific plans for retaining employees with disabilities, compiles data on hiring practices, and adopts rules relating to forms providing for voluntary self-identification of those with disabilities. The Department of Management Services estimates the implementation of this bill will require two positions and \$164,956 from the State Personnel System Trust Fund for the 2015-2016 fiscal year.

The bill passed the Senate Appropriations Subcommittee on General Government as a Committee Substitute.

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