

January 22, 2016

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Alex Sarsfield, Legislative Intern
Chesten Goodman, Legislative Intern

RE: Legislative Update – Week of January 19th

General Information

Budget Schedule

The House has released a proposed General Appropriations Act and related bill schedule. The House and Senate alternate staffing/scheduling the appropriations process. The House is staffing/scheduling this year. Below is the proposed schedule.

- Friday, January 29 Proposed GAA and related implementing and confirming bills released electronically.
- February 3 Appropriations Committee meets.
- February 5 GAA, implementing and conforming bills, as amended will be filed and made electronically available.
- February 10 & 11 Floor actions (2nd and 3rd Reading)

House Appropriations Committee – Report on School District Capital Outlay Funding

The information for this presentation can be found in the committee packet. Go to www.myfloridahouse.gov and go to the Appropriations Committee website. From there you can find the packet for today’s meeting, January 21, 2016. The information is at the end of the packet beginning on page 158. The web address for the packet is http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2827&Session=2016&DocumentType=MeetingPackets&FileName=apc_1-21-16.pdf

School construction costs are summarized for the 2006-2014 fiscal year. In comparing cost per student station many schools were constructed above the statutory costs. I know there are reasons for this including building gymnasiums, cafeterias, multi-purpose rooms, etc. while constructing few student stations. Therefore the cost per student station would be inflated. In addition, many of you also built larger cafeterias, etc. to handle the growth.

At the end of the meeting Rep. Fresen said that there would be language developed to attempt to rein in the costs per student station. The vehicle he mentioned was Rep. Diaz' bill which I am assuming is the Special Facilities legislation that he has sponsored – HB 873.

Please analyze this report and provide me with information as to why the project in your district, if any, exceeded the cost per student station and any other relevant information regarding capital outlay. The link to the data that was used to develop the report is:

<http://www.fldoe.org/finance/fco/cost-of-construction/public-schools.stml>

Senate – First Committee Hearing

SB 290 by Smith re to STEM Teacher Loan Forgiveness Program. The bill creates a STEM Teacher Loan Forgiveness Program to encourage qualified college graduates to remain in Florida and to teach a STEM course at a public school. Specifically, the bill:

- Requires the Department of Education (DOE) to administer the program;
- Establishes eligibility criteria;
- Specifies program loans to be used to cover the cost of tuition, books, and living expenses;
- Authorizes DOE to make loan payments for up to \$16,000 for selected candidates, paid directly to holder of the loan;
- Requires proof of completion of program requirements;
- Authorizes the DOE to recover costs to administer the program; and
- Authorizes the State Board of Education to adopt rules to administer the program.

The bill was reported favorably by the Senate Pre-K-12 Education Committee.

SB 432 by Hutson re to STEM Teachers Pilot Program. The bill creates an expedited pathway for an individual holding a Florida temporary educator certificate to earn a Florida professional educator certificate for grades 6-12.

Specifically, the bill requires the applicant to:

- Meet all general certification requirements, with the exception of certain professional preparation coursework requirements;
- Hold a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Teach a high school course in the subject of the advanced degree;
- Be rated as highly effective as determined by the teacher's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced International Certificate of Education, or International Baccalaureate examination; and
- Achieve a passing score on the Florida professional competency examination required by the state board rules.

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

SB 500 by Montford re to Children and Youth Cabinet. The bill expands the total membership of the Children and Youth Cabinet to 16 by adding a Governor appointed superintendent of schools to the cabinet, and revises the title “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection.”

The bill was reported favorably by the Senate Pre-K-12 Education Committee.

SB 806 by Legg re to Instruction for Homebound and Hospitalized Students. The bill obligates school districts to provide instruction to homebound or hospitalized students as part of its program of special instruction for exceptional students. More specifically, the bill requires:

- Each school district with children’s hospital located within the district, to enter into an agreement with the hospital no later than August 15, 2016, to establish a process by which the hospital will notify the district of students who may be eligible for educational instruction, and to establish timeliness for determining student eligibility and providing educational instruction.
- Each school district with a children’s specialty hospital located within the district to provide educational instruction to eligible students receiving treatment in the hospital, until the district is able to enter into an agreement with the school district where the student resides.
- Each district school board, at least every three years, to submit its proposed procedures for the provision of special instruction and service for exceptional students to the Department of Education.
- State Board of Education rules to establish: criteria and procedures for determining student eligibility; appropriate methods and requirements for providing instruction for eligible students; and a standard agreement for schools districts to use when students receiving services from a children’s specialty hospital transition between school districts.

The bill was reported favorably by the Senate Pre-K-12 Education Committee.

SB 884 by Benacquisto re to Youth Suicide Awareness and Prevention. The bill requires DOE to incorporate 2 hours of youth suicide awareness and prevention training for all K-12 instructional personnel to receive as part of their continuing education or inservice training. Specifically, the bill:

- Requires DOE to develop a list of approved training materials;
- Requires the training to be included in existing continuing education requirements and not add to the total hours currently required by the department;
- Authorizes the State Board of Education to adopt implementation rules; and
- Specifies that the training program does not create any new duty of care or basis of liability.

The bill was reported favorable by the Senate Pre-K-12 Education Committee.

SB 886 by Benacquisto re to Parent and Student Rights. The bill expands educational choice options and notification requirements regarding information parents have to make decisions about the placement of their children in educational settings. Specifically the bill:

- Expands parent notification requirements to include school district reporting average, estimated funding expenditures on a per student basis.

- Authorizes parent ability to choose to enroll his or her child in any public school in the state which has not reached capacity. The bill further defines capacity.
- Authorizes a parent to request a transfer of his or her child to a different classroom teacher.

The bill was reported favorably by the Senate Pre-K-12 Education Committee.

SB 894 by Detert re to Education Personnel. SB 894 re to Education Personnel. The bill modifies and expands several statutory provisions relating to education personnel. Specifically, the bill:

- Adds Department of Education (DOE) employees and agents, who investigate or prosecute educator misconduct, to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect.
- Authorizes the Commissioner of Education to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct.
- Modifies the membership of the Education Practices Commission.
- Exempts the Educational Certification and Service Trust Fund from the General Revenue service charge.
- Makes permanent the educator liability insurance program.
- Prohibits postsecondary education institutions and school districts from requiring students participating in a clinical field experience to purchase liability insurance.
- Authorizes DOE to sponsor an educator job fair.
- Requires DOE to coordinate a best practices community to assist school districts with teacher recruitment and other human resource functions.
- Establishes in law state approval of school leader preparation programs.

The bill was reported favorable by the Senate Pre-K-12 Education Committee.

SB 978 by Legg re to Public School Teachers (Best and Brightest). The bill codifies the Florida Best and Brightest Teacher Scholarship Program to award a scholarship, in an amount prescribed by the Legislature in the General Appropriations Act, to a public school teacher who has:

- Completed his or her second year of teaching
- Scored at or above the 60th percentile on the SAT or ACT, based upon the percentile rankings in effect when the assessment was taken; and
- Been evaluated highly effective.

In order to demonstrate eligibility, a teacher must submit to the district no later than October 1 an official records of his or her SAT or ACT score demonstrating a score of at or above the 60th percentile, based upon the percentile ranks in effect when he or she took the assessment. If a teacher is deemed eligible by the district, the teacher will remain eligible as long as he or she is employed by the district and maintains a highly effective level.

The bill was reported favorably by the Senate Pre-K-12 Education Committee.

SB 1060 by Legg re to Career and Adult Education. The bill updates terminology and expands opportunities and requirements related to career and adult education. Specifically, the bill:

- Updates, revises, and expands terminology and criteria to align statutory law to federal guidelines and regulations regarding apprenticeship programs.
- Increases the number of CAPE Digital Tool certificates that can be earned by elementary and middle school students, and approved annually on the CAPE Industry Certification Funding List.
- Requires school district career centers and charter technical career centers to establish financial aid appeal procedures for students seeking redress of grievances.

The bill was reported favorably by the Senate Pre-K-12 Education Committee.

SB 1064 by Flores re to Special Facility Construction Account. The bill modifies requirements related to the Special Facility Construction Account. Specifically, the bill makes the following modifications:

- Proposed language states that a district shall not receive funding for more than one project during any 3 year period *or while any share or portion of the district's project costs is outstanding.*
- Specifies that a school board must request a preapplication review before developing construction plans.
- Clarifies that only the Chair of the committee can convene the Special Facility Construction Committee.
- Establishes timeframe for district to request preapplication review, adding requirement that districts seeking funding in the following fiscal year *must submit the preapplication request prior to February 1.*
- Increases the timeframe from 60 to 90 days for the committee to meet in the district to review the project proposal and existing facilities.
- Requires use of Revenue Estimate Data in Determining Districts existing and projected COFTE.
- Requires when the committee is determining the districts capital outlay FTE that it must use information *from the demographic, revenue, and education estimating conferences pursuant to s. 216.136.*
- Requires site surveys and amendments be *prepared cooperatively by the department and the district and approved by the department pursuant to State Board rules.*
- Provides that if the district employs a consultant in preparation of a survey or survey amendment, the consultant may not be employed by or receive compensation from a third party that designs or constructs a project recommended by the survey.
- Provides that the total project cost must not exceed the cost per student station as provided in subsection s.1013.64 (6) *except for costs overruns necessitated by a disaster as defined in s.252.34 or unforeseeable circumstances beyond the district's control as determined by the Special Facility Construction Account Committee.*
- Requires that beginning with the 2019-20 FY, districts seeking SFCA funding will have to levy 1.5 mills for 3 years prior to the request in addition to the maximum levy of 3 years beginning the first year of funding.
- Provides that the annual budgeting commitment to the project reduced to no more than the value of 1.0 mill until the district's participation requirement of 4.5 mills is met.

- Proposal defines commitment to be an amount equivalent all of the encumbered and future revenue acquired in 3 year period following the year of the initial appropriation from PECO and s. 1011.71(2).
- Proposal amends the required timeframe for submittal of School Board Certified Final Phase III plans *to June 1* of the year the application is made August 1.
- Proposal clarifies that the DOE representative shall serve as the Chair of the Special Facility Construction Account Committee.

The bill passed the Senate PreK-12 Committee favorably.

SB 1634 by Legg re to School Choice/CSR. (reported last week as workshop, but included again)

Amends s. 1002.31 relating to Controlled Open Enrollment; Public School Parental Choice. Limits compliance for class size at the school level to district innovation schools of choice. Currently, class size is calculated at the school level for all schools or programs that are public schools of choice

Amends s. 1002.33 relating to Charter Schools. Limits compliance for class size at the school level to only those charter schools that comply with subsection (29). Subsection (29) is created and provides that in order for the calculation for compliance with class size to be the average at the school level, a charter school must work with its sponsor to include in the charter contract language that:

- Clearly articulates how the charter school distinctly and uniquely defines and provides schoolwide innovation and what the policies are for enrollment in the innovation school of choice.
- Specifies performance metrics, including, but not limited to, trends and targets for students' performance improvement associated with the innovation.
- Requires that the status of the performance metrics be reviewed for compliance every 3 years in order for the calculation for compliance to continue to be at the average at the school level.

Amends s. 1002.451 relating to District Innovation School of Choice Technology Program. Changes name of program from "technology" to "choice." Emphasizes innovation. Authorizes a school board to operate more than one innovation schools of choice upon the school's application approval by the State Board of Education. However, the application must specify for each school how the individual innovation school of choice will distinctly comply on a schoolwide basis. Each school identified in the application must be evaluated and approved or denied on an individual basis.

Eliminates caps on the number of innovation schools of choice.

In applying to the SBE for approval, the application for the innovation school of choice must, in addition to existing requirements, articulate how the school distinctly and uniquely defines and provides schoolwide innovation and what the policies are for enrollment in the innovation school of choice and specify student performance metrics.

Deletes language that authorizes the restructuring of the school day or year.

Requires the SBE to review the performance metrics of each innovation school of choice every 3 years.

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

SB 1714 by Brandes re to Competency-based Innovation Pilot Program. The bill promotes competency-based student learning opportunities. Specifically, the bill defines competency-based education and:

- Establishes a competency-based innovation pilot program within the Department of Education for five years.
- Public schools in Lake and Pinellas Counties, P.K. Yonge Developmental Research School, and school districts or charter schools designated by the Commissioner of Education may submit an application to the department for approval of a competency-based innovation pilot program.
- Specifies pilot program related requirements.
- Authorizes waivers from certain requirements in State Board of Education rule.
- Students participating in the pilot program at participating schools shall be reported and generate funding consistent with the requirements of s. 1011.62, Florida Statutes.
- Specifies repeal of the pilot program effective June 30, 2021.

The bill was reported favorable by the Senate Pre-K-12 Education Committee.

House Bills – First Committee Hearing

HB 759 by Diaz re to Charter Schools. The bill proposes an amendment to the State Constitution to require the SBE to establish a statewide charter school authorizer to authorize, operate, control, & supervise charter schools.

The bill was reported favorably by the House K-12 Education Subcommittee.

HB 887 by Adkins re to Computer Coding Instruction. The bill promotes student access to education in computer science and related fields by requiring the Higher Education Coordinating Council to develop recommendations that identify, among other things:

- High school courses in computer science, including computer coding and computer programming, which may be used to satisfy state university admissions requirements for foreign language, math, and science.
- Gaps in current policy, curricula, programs, and practices that inhibit students from pursuing postsecondary education and careers in computer science and related fields.
- Common definitions for terms such as computer coding and computer programming so that stakeholders at all educational levels can use the terms clearly.
- In addition, the bill requires the Commissioner of Education to establish academic standards for computer science, coding, and programming and identify high school-level courses that incorporate the standards in the Course Code Directory. The Florida Virtual School must offer the identified courses; school districts that do not

offer an identified course must provide access to the course through the Florida Virtual School or through other means.

The bill requires the Department of Education to annually report to the Board of Governors and the Legislature:

- The courses identified in the Course Code Directory by the commissioner in accordance with the bill.
- The number of students, by district, including the Florida Virtual School, who are enrolled in a course identified in the Course Code Directory by the commissioner in accordance with the bill.
- The number of individuals who hold a valid educator certificate in computer science or a related field.

The bill requires the SBE to work with the Board of Governors and school districts to develop strategies for recruiting and supporting computer science teachers.

The bill was reported favorably by the House K-12 Education Subcommittee.

HB 693 by Fresen re to Education. A seal of biliteracy is an award given by a state department of education or a local school district to recognize a student who has attained proficiency in English and one or more other world languages by the time of high school graduation.

The bill establishes the Florida Seal of Biliteracy Program, which awards qualifying students who earn a standard high school diploma a Silver or a Gold Seal of Biliteracy, depending on their demonstrated level of competency in a foreign language. The bill defines the terms “biliteracy” and “foreign language,” which also includes American Sign Language, classical languages, and indigenous languages.

The bill provides requirements for the State Board of Education, the Commissioner of Education, and school districts to implement the program and establishes baseline requirements for a student to demonstrate competency in a foreign language. The state board must adopt rules that identify assessments and qualifying scores, as well as alternative methods, which students must meet to receive a Silver or a Gold Seal of Biliteracy.

The bill passed the House K-12 Education Subcommittee favorably.

HB 705 by Berman re to Educational Interpreters for Individuals who are Deaf, Hard of Hearing. The bill requires the SBE to adopt in rule standards for educational interpreters. The bill defines educational interpreters as individuals who facilitate direct instruction from professionals and direct communication between students who are deaf or hard of hearing and their peers. The standards must include interpreter assessments that include both written and performance assessments that are offered by a national organization of professional sign language interpreters and transliterators.

The bill also requires districts, beginning July 1, 2017, to notify parents if their student has been assigned an interpreter that does not meet the standards established in state board rule and to report to the Department of Education the total number of interpreters employed by the district and, of those, how many meet the standards.

The bill passed the House K-12 Education Subcommittee favorably.

HB 1021 by Steube re to Award of Attorney Fees in Public Records Enforcement Act.

The State Constitution guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. If an agency unlawfully fails to provide a public record, the person making the public records request may sue to have the request enforced. Enforcement lawsuits are composed of two parts: the request for production of a record and the assessment of fees. The assessment of attorney fees is considered a legal consequence that is independent of the public records request.

Once an enforcement action has been filed, an agency, or a contractor acting on behalf of an agency, can be held liable for attorney fees even after the agency has produced the requested records. If the court finds that the agency unlawfully refused access to a public record, the court must order the agency to pay for the requestor's reasonable costs of enforcement, including reasonable attorney fees.

The bill amends current law to provide that in a public records enforcement lawsuit, a court may, but is not required to, award reasonable enforcement costs, including attorney fees, to the complainant if the court determines the agency unlawfully refused to provide a public record. To be awarded such costs, the bill also requires a complainant to provide written notice of the public records request to the agency's records custodian at least 5 business days before filing the lawsuit.

HJR 539 by Caldwell re to School Districts and School Boards (workshopped). The proposed State Constitutional amendment would authorize, as provided by general or special law, any contiguous area of the state, whether a county or a municipality, to constitute a school district. Each district is governed by a school board unless, by general or special law, the governing body of a county or municipality constitutes the school board.

The proposal provides that a school district may be abolished by general or special law. The operation of all public schools within the abolished school district must be prescribed by general or special law, and the determination of the rate of school district levies in such abolished school district must be prescribed pursuant to general law.

School board member elections are now nonpartisan, but the proposal requires them to be elected in a partisan election.

The proposal was workshopped in the House K-12 Education Subcommittee. No votes were taken.

HB 669 by Sprowls re to Educational Choice. The bill extensively amends s. 1002.20, F.S., relating to student and parent rights and educational choice.

The bill provides that parents may seek whatever public educational choice options are applicable and available to students throughout the state. Existing options are expanded to include CAP digital tool certificates, CAPE industry certifications, and collegiate high school programs. Specifies that under the FPLSA (Personal Learning Scholarships), a parent of a student with a qualifying disability may apply for the PLA scholarship.

The bill also provides that the school financial report, as provided by DOE and provided to parents must indicate the average amount of money expended per student in the school.

The bill also expands the responsibilities of the internal auditor hired by the school board to include the performance of other audits and reviews, in order to determine the adequacy of internal controls designed to prevent and detect fraud, waste, and abuse; compliance with applicable laws, rules, contracts, grant agreements, district schoolboard-approved policies, and best practices; the efficiency of operations; the reliability of financial records and reports; and the safeguarding of assets.

The bill amends the controlled open enrollment section of Florida Statutes (s. 1002.31) to provide that in addition to the existing choice programs provided in s. 1002(6)(a), each school board must allow a parent to seek enrollment in and transport his or her child to any public school that has not reached capacity in the district by filing an application. However, a school district may provide transportation to student at the district's discretion. In addition the application process must:

- Identify schools that have not reached capacity, as determined by the school districts. In making its determination of capacity, each district must consider the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required by statute.
- Provide a preference for the placement of military students, in addition to other required preferences.
- Allow a student to attend the chosen school of enrollment until the student completes the highest grade offered by the school in accordance with the priorities of the district's plan. However, students residing in the districts shall not be displaced by a students from another district.

Each school board must annually report the number of students exercising public educational choice, by type of choice, in accordance with SBE rules.

Beginning in the 2017-2018 school year, or earlier if authorized by the district, a parent may seek enrollment in and transports his or her child to any public school hat has not reached capacity in any school district in the state by filing an application pursuant to the statutory requirements. The school district must enroll an eligible student and report the student for purposes of the school district's funding pursuant to the FEFP.

If a parent is seeking to enroll his or her child in a school in another school district, the parent must notify the school district of residence and the district of choice by the time of application but no later than February 15 of the preceding school year, whichever is later.

Each school board must establish a transfer process for a parent to request that his or her child be transferred to another classroom teacher. This subsection does not give a parent the right to choose a specific classroom teacher. A school must grant or deny the transfer within 2 weeks after receiving the request. If a request is denied, the school must notify the parent and specify the reasons for the denial. An explanation of the transfer process must be made available in the parent guide or similar publication.

DOE must contract with the Center for Applies Economic Analysis at the Florida Polytechnic University to determine the portability of the local portion of the FEFP funds. The bureau

must research the feasibility of and recommend options for transferring local funds with students who enroll in a public school in a district other than their district of residence. The results must be reported to the Legislature no later than November 1, 2017.

The bill amends the acceleration options provisions. The Credit Acceleration Program or CAP provisions are simplified and expanded to provide that it includes courses required for high school graduation through the passage of an EOC or an Advanced Placement (AP) exam. A district must award credit to a student who is not enrolled in the course, or who had not completed the course if the student attains a passing score on the EOC or AP exam. In addition, the district must permit home education student to take the EOC or AP exam in addition to public school students.

The bill passed the House Choice & Innovation Subcommittee favorably as a committee substitute.

HB 953 by Eisnaugle re to Legislative Reauthorization of Agency Rulemaking Authority. House Bill 953 proposes to suspend any rulemaking authorized by law three years after the effective date of the authority. Rulemaking authority in force upon the bill's effective date will be suspended on July 1, 2019, unless re-authorized. If rulemaking is not reauthorized by general law prior to the suspension, rulemaking authority is suspended until reauthorized. The bill makes exceptions for emergency rules and rules necessary to maintain the financial or legal integrity of any financial obligation of the state or its agencies or political subdivisions.

The bill allows the Governor to issue a declaration of necessity, delaying any suspension for 90 days to allow the Legislature to convene and reauthorize necessary rulemaking. It also allows rulemaking proceedings to be undertaken pursuant to ch. 120, but delaying the effect of any rules until a suspension ends.

The bill passed the House Rulemaking Oversight & Repeal Subcommittee favorably.

House Bills - 2nd or 3rd Committee Hearings

HB 229 by Geller re to Bullying and Harassment Policies in Schools. The bill revises current law by requiring each district school board to review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators and other community stakeholders. Each district school board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill passed the House Education Committee favorably.

HB 241 by Harrell re to Children and Youth Cabinet. The bill expands the total membership of the Florida Children and Youth Cabinet to 16 by adding a superintendent of schools who is appointed by the Governor.

The bill passed the House Education Committee favorably.

HB 443 by Plasencia re to Advanced International Certificate of Education (AICE) Funding. The bill requires school districts to allocate 80 percent of the additional AICE funds to the school program whose students generate the funds, which is currently required for the IB and AP bonus funds; establishes restrictions on how the funds may be spent; requires the remaining 20 percent of the AICE funds to be used for programs that assist academically disadvantaged students to prepare for more rigorous courses; and increases the maximum AICE teacher bonus to \$3,000, which is consistent with the AP and IB teacher bonus.

The bill passed the House Education Committee favorably.

HB 4013 by Diaz re to Blended Learning Courses. The bill removes the requirement that online instruction must occur in a classroom setting at a school, expanding the blended learning models available to districts.

The bill passed the House Education Committee favorably.

HB 7029 by Choice & Innovation re to School Choice. This is the House charter school bill. Major provisions are:

Amends s. 1002.33 re to Charter Schools:

Subsection (1) - Authorization – Requires an existing charter school that is seeking to become a virtual charter school to amend its charter or submit a new application to become a virtual charter school.

Subsection (2) – Guiding Principles/Purpose – For student who exhibits substantial deficiency in reading, as determined by charter school, school must notify parent of deficiency, intensive interventions and supports used, and student’s progress in accordance with s. 1008.25(5).

Subsection (6) – Application Process and Review – Requires sponsor to deny an application vs a charter if the school does not propose a reading curriculum that is evidence-based and includes explicit, systematic, and multisensory reading instructional strategies (aligned with reading legislation) but a sponsor may not require a charter school to implement the reading plan adopted by the district.

Application must disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.

If the applicant appeals a sponsor’s denial of the application directly to the SBE, the applicant must file a copy of the appeal to the sponsor.

A charter school may defer the opening of the school’s operations for up to 2 years to provide time for adequate facility planning. Charter school must provide written notice of

such intent to the sponsor and parents of enrolled students at least 30 calendar days before the first day of school.

Subsection (7) – Charter – Students in a blended learning course must be full-time students pursuant to funding requirements of the FEFP but the requirement to receive online instruction in a classroom setting at the charter school is removed.

Admission or dismissal of a student must not be based on a student’s academic performance.

A charter may be terminated by the governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board must notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and DOE in writing within 24 hours after the public meeting of its determination. The notice must state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to statutory requirements.

Subsection (9) – Charter School Requirements – Currently a charter school must provide the sponsor with a monthly financial statement summary sheet. Language is added that such statement is required upon approval of the charter contract. The sponsor must then review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a) (e.g. failure to file audit, reports, deteriorating financial conditions, etc.).

A charter school’s charter contract is automatically terminated if the school earns two consecutive grades of “F” after all of the school grade appeals are final unless certain conditions are met. The sponsor must notify the governing board, the charter school principal, and DOE in writing when a charter contract is terminated under this provision.

Subsection (10) – Eligible Students – A charter school that has not reached capacity, as determined by the governing board, may be open for enrollment to any student in the state.

Language is added relating to enrollment preferences and includes a resident of a municipality that allows a charter school to use a school facility or portion of land owned by the municipality for the operation of the charter school. Also, students who attended or are assigned to failing schools would have enrollment preference.

Subsection (13) – Charter School Cooperatives – Expands charter school cooperative organizations that may provide services to further educational, operational, and administrative initiatives.

Subsection (17) – Funding – Includes research-based reading allocation. In addition, any unrestricted surplus or unrestricted net assets identified in the annual audit may be used for K-12 educational purposes for charter schools within the district operated by the not-for-profit or municipal entity operating the charter school with the surplus. Surplus operating funds and capital outlay funds must be used pursuant to statutory requirements.

Specifies payment schedule. For first 2 years of operation, if a minimum of 75 percent of projected enrollment is entered into the sponsor's student information system by the first day of the current month, the district shall distribute funds to the school for July through October based on the projected FTE student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered, the sponsor shall base payments on the actual number of student enrollment. The board may not delay payment to a charter school of any portion of the funds based on the timing of receipt of local funds by the school board.

Subsection (18) – Facilities – Current statute prohibits local governing authority from adopting or imposing any local building requirements or site-development restrictions. New language is added that if an official or employee of the local governing authority refuses to comply, the aggrieved school has an immediate right to bring action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and costs.

Section (20) – Services – For a charter school that operates in a critical need area, a sponsor may withhold a total administrative fee up to 3 percent for enrollment up to and including 250 students per school. A charter school whose initial application is submitted as a high-performing school and denied by a school board is exempt from the administrative fee requirements.

Amends s. 1002.331 re to High-performing charter schools

Authorizes a high-performing charter to receive an additional 15 year charter renewal. The sponsor has 30 days after the charter receives its high-performing designation to provide a charter renewal. The parties have 20 days to negotiate. The proposed contract must be provided to the charter school at least 7 days before the date of the meeting at which the charter is scheduled for final approval by the sponsor. A dispute may be appealed to an ALJ appointed by DOAH.

The bill was amended to remove language authorizing the Florida Institute for Charter School Innovation to approve or deny high-performing charter school applications.

Currently, a high-performing charter school may not establish more than one charter school within the state. However, this would not apply to charter schools established by a high-performing charter school in the attendance zone of a public school that earns a grade of "F" or three consecutive grades of "D" or to meet the capacity needs or needs for innovative school choice options identified by the school board. Language is deleted that limits the increased enrollment or expanded grade levels following any school year in which it receives a "C" or below. The school does not lose its high-performing status for receiving a grade of "C" or below in any two years.

Creates s. 1002.333 re to High Impact Charter Network – An entity that successfully operates a system of charter schools that primarily serves educationally disadvantaged students, as defined by ESEA may apply to the SBE for status as a High Impact Charter Network. If designated, the network may submit an application to establish and operate charter schools in critical need areas. Such charter school is eligible to receive charter school capital outlay. The administrative fee is waived. New charters are given priority for grants. The initial network status is valid for up to 4 years. School grades for the 2014-

2015 may not be considered in determining areas of critical need. The SBE must adopt rules.

Amends s. 1002.37 re to the Florida Virtual School – Simplifies funding for the Florida Virtual School. Authorizes the Florida Virtual School to provide full and part-time instruction for students in K-12the grades and removes eligibility requirements.

Repeals language requiring a funding adjustment for students who do not pass the Algebra 1 EOC.

Amends s. 1002.45 – Virtual Instruction Programs. Ensures student are eligible for virtual instruction programs in K-12th grades. Repeals language requiring a funding adjustment for students who do not pass the Algebra 1 EOC.

Amends language relating to assessment and accountability for virtual program. An approved provider’s contract is automatically terminated if the provider earns two consecutive school grades of “F” after all school grade appeals are final or has received two consecutive school improvement ratings of unsatisfactory (previously “declining”). Currently language is “D” or “F” for 2 years during any consecutive 4-year period.

Repeals s. 1002.455 - Student eligibility for K-12 virtual instruction. This change will open various virtual education options (full and part-time) that are not currently available to students who did not attend public school in the prior year.

Amends s. 1003.4295 – Acceleration options – Authorizes student to earn high school credit in courses required for high school graduation through passage of an EOC or an AP examination. The district must permit a public school or home education student who is not enrolled in the course, or not completed the course, to take the assessment or examination.

Amends s. 1003.498 – School district virtual course offerings. Removes restriction that online instruction must be in a classroom setting at the school.

Removes language establishing the Florida Institute for Charter School Innovation.

Amends s. 1011.61 – Definitions.

Removes language authorizing full funding for double-session school or school utilizing an experimental school calendar comprising less than 810 hours in grades 4 through 12 or not less than 630 net hours in K-3. Clarifies that a student who receives instruction in a school that operates for less than the minimum term shall generate FTE equivalent student membership proportional to the amount of instructional hours provided by the school divided by the minimum term requirement.

Repeals language requiring a funding adjustment for students who do not pass the Algebra 1 EOC.

Authorizes DOE to determine and implement an equitable method of funding for school operating under emergency conditions.

Amends s. 1011.62 – Funds for operation of schools – Technical

Amends s. 1012.56 – Educator certification requirements – Charter schools are authorized, but not required, to maintain a system by which teachers may demonstrate mastery of professional preparation and education competence as required by law. Public school must maintain such a system and each program must be aligned with the district or state-supported public school's evaluation system established in statute.

Amends s. 1013.62 – Charter schools capital outlay funding – To be eligible, current law requires the charter school to have financial stability for future operation as a charter school. The new language would limit it to have an annual audit that does not reveal any financial emergency conditions for the most recent fiscal year for which audit results are available.

HB 273 by Beshears re to Public Records. 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 with a contractor to include a statement in large, boldface font informing the contractor of the contact information of the public agency's custodian of public records (records custodian) and instructing the contractor to contact the agency records custodian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract.

The bill repeals the requirement that each 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 completion of the contract.

The bill requires a request for public records relating to a contract for services to be made directly to the contracting agency. If the agency determines that it does not possess the records, it must immediately notify the contractor and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the agency within a reasonable time may be subject to certain penalties.

The bill provides that if a civil action is filed to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if the court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time, and the plaintiff provided written notice of the public records request to the public agency and the contractor. The notice must be sent at least 8 business days before the plaintiff files the civil action. The bill specifies that a contractor who complies with the public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

The bill has passed all committees of reference and has been placed on the House Special Order Calendar for January 26, 2016