

March 10, 2017

MEMORANDUM

TO: District School Superintendents
FROM Joy Frank
RE: Legislative Update – First Week of Session

General Information

Senator Montford held a press conference in support of SB 964 on Wednesday morning. Joining him were several senators including Senators Lee, Garcia, Simmons, Stewart, Mayfield, Farmer, Braynon, Campbell and others. Several superintendents, board members, principals, and others also stood with him. Below is a clip of the press conference.

Press Conference - [Senator Montford - Press Conference](#)

Budget Cuts

The Senate Education Appropriations Subcommittee released a short list of budget cuts totaling \$46,259,227. NonFEFP items dominated the recommended cuts. The list is attached. The next meeting of the subcommittee is Wednesday, March 15th. However it appears that the Senate will concentrate on the budget the week of March 20th with appropriations committees scheduled for Monday, Tuesday and Wednesday of that week.

The House has not released budget cut recommendations yet, but they are expected. Also, the House Education Appropriations Subcommittee has only agendaed member special project bills for Monday, March 13th. The calendar for the week of March 20th had not been released upon publication of this report.

Best and Brightest

Senator Simmons introduced SB 1552 relating to “Florida Best and Brightest Teacher and Principal Scholar Program at the Senate Education Appropriations Subcommittee meeting on Wednesday.

Summary: the bill modifies program eligibility and award provisions to expand access to more educators, to strengthen the program’s commitment as a performance-based award, and to reframe the program’s focus on the recruitment and retention needs of struggling schools.

Specifically, the bill:

- Renames the program as the “Florida Best and Brightest Teacher and Principal Scholar Program.”
- Retains the program’s two-prong criteria for eligibility by requiring applicants to demonstrate both academic achievements and performance accomplishments – must be Highly Effective.

- Expands program eligibility beyond “classroom teachers” to include “school administrators” (e.g., principals, assistant principals).
- Expands the list of assessments educators may use to satisfy the program’s academic achievement requirement.
 - Retains the 80th percentile provision for the ACT/SAT as an option, but adds the following alternatives for demonstrating academic achievement:
 - Appropriate scores on the GRE, LSAT, GMAT, and MCAT as established by the SBE.
 - Scoring at or above the 90th percentile on the Florida Teacher Certification Exam (FTCE) in the subject being taught (classroom teacher); or
 - Scoring at or above the 90th percentile on the Florida Educational Leadership Exam (FELE) (school administrator).
- Clarifies award eligibility applies only to full-time annual and probationary contract educators participating in the performance salary schedule. Conversely, educators currently employed under a professional service contract or continuing contract – or choose to continue participating in grandfathered salary schedules – are not eligible for the award.
- Redefines eligibility criteria for newly-hired teachers and principals. Specifically, the bill integrates components of Governor Scott’s teacher recruitment and retention initiative proposal to authorize a one-time, guaranteed \$10,000 signing bonus award for new classroom teachers or school administrators who satisfy the program’s academic achievement requirement **and** meets one of the following conditions:
 - Is a College Reach Out Program (CROP) completer, with a minimum 3.0 GPA, who commits to working in a Florida public school for at least 3 years;
 - Is a Florida Prepaid Tuition Scholarship Program (e.g., Take Stock in Children) completer, with a minimum 3.0 GPA, who commits to working in a Florida public school for at least 3 years; or
 - Is a Florida college or university graduate of a Florida Teacher Preparation Program, with a minimum 3.0 GPA, and commits to working for at least 3 years in a critical teacher shortage area in a Florida public school (i.e., high-need content areas and high-priority location areas).
- Finally, the bill incentivizes service in struggling, low-performing schools by providing a level of performance flexibility and predictability in award amounts. Specifically, the bill guarantees a full award amount (prior to any potential prorated award amount) for qualified educators who meet all of the following conditions:
 - Works in a low-performing school or a school that was low-performing within the previous two years, as designated by the DOE.
 - Commits to working at the school for at least 3 years; and
 - Earns a “highly effective” performance rating in at least 2 of every 3 annual performance evaluations, using a 3-year rolling period.

The **House Education Committee** took up PCB EDC 17-02 that modifies the Best and Brightest Teacher Scholarship Program on Friday morning. The bill amends the eligibility criteria to include additional academic credentials. The bill also establishes the Best and Brightest Principal Program to recognize principals who are able to recruit and retain excellent teachers.

With respect to the Best and Brightest Teacher Scholarship Program, the bill deletes the statutory expiration date of July 1, 2017, and amends eligibility criteria by:

- Lowering the threshold for a qualifying assessment score from the 80th percentile to the 75th percentile based on the National Percentile Ranks in effect when the assessment was taken;
- Allowing teachers to use scores from other assessments that measure cognitive ability to qualify;
- Allowing teachers to qualify with an assessment score at the 70th percentile or higher if they earned a baccalaureate degree with a Latin honor (e.g., cum laude); and
- Allowing teachers to demonstrate they are “highly effective” based solely on their value-added model rating.

The bill creates the Best and Brightest Principal Scholarship Program, which:

- Establishes a procedure for identifying principals who qualify for recognition under the program;
- Establishes eligibility criteria for principals, as follows:
 - The principal must have served as principal at his or her school for at least the last 2 years; and
 - The faculty at the principal’s school must have a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher, statewide, for that school type (elementary, middle, high, or combination);
- Provides a monetary award, established in the General Appropriations Act, for principals who are designated as best and brightest and requires that qualifying principals at a Title I school receive a greater award; and
- Requires school districts to provide qualifying principals with the autonomy over budgetary and personnel decisions that is currently provided to principals participating in the Principal Autonomy Pilot Program Initiative (PAPPI).

The proposal passed the Houses Education Committee favorably.

Legislation Considered in Senate

SB 376 by Simmons relating to Charter School Funding. SB 376 substantively restructures public school capital outlay funding by requiring each school district to share its discretionary millage revenue with eligible charter schools. Additionally, the bill:

- Requires school districts to distribute shared local capital outlay funds on a monthly basis, and if the local capital outlay funds are not available, the school district must provide the funds from another funding source.
- Prohibits charter schools from receiving capital outlay funds unless the charter school can demonstrate that the funds will not be used for personal financial enrichment.
- Clarifies the criteria by which charter schools can demonstrate that seventy-five percent of their student population is eligible for free or reduced-price school lunch.
- Limits the ability of a charter school governing board to only use charter school capital outlay funds at the charter school that generated the funding.

The bill has no impact on state funds. According to DOE, school districts will be required to share approximately \$150.7 million in discretionary millage revenue with eligible charter schools.

Senator Farmer had several amendments to the bill. After speaking in support of increasing the millage to 2.0, he withdrew the amendment after receiving assurances from Senator Simmons that the issue would be considered at a later stop. An amendment that would have deleted language requiring equal monthly payments from another funding source if funds were not available from the discretionary millage

failed. Again, the issue was acknowledged and could be considered at a later stop. The remaining amendments were either withdrawn or failed.

Several district lobbyists and others testified at the meeting. Below is the video of the entire meeting.

[Senate Ed Appropriations Subcommittee Meeting - March 8](#) – My testimony begins at 51:59.

SB 78 by Flores relating to Public School Recess. The bill requires each school board to provide at least 100 minutes of recess each week to students in grades K-5 so that there are at least 20 minutes of recess per day.

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

SB 80 by Steube relating to Public Records. This bill is similar to HB 163 by Burgess discussed below.

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

SB 360 by Stargel relating to a Middle School Study. The bill requires DOE to conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress; and report findings of the study to the Governor, the State Board of Education, and the Legislature by December 2017.

The bill passed the Senate Education Committee favorably.

SB 392 by Hukill relating to High School Graduation Requirements. The bill creates the "Personal Financial Literacy Education Act" to specify financial literacy standards and instruction for students entering grade 9 in the 2017-2018 school year. Specifically, the bill revises:

- The Next Generation Sunshine State Standards to establish requirements for financial literacy distinct from the existing financial literacy requirements specified under the economics curricular content within the standards for social studies; and
- The requirements for a student to earn a standard high school diploma by:
 - Establishing a separate one-half credit requirement in personal financial literacy;
 - Deleting the requirement for financial literacy from the required three credits in social studies; and
 - Reducing the number of required elective credits from eight to seven and one-half.

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

SB 436 by Baxley relating to Religious Expression in Public Schools. The bill creates the "Florida Student and School Personnel Religious Liberties Act," and specifies that a school district may not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression. Specifically, the bill:

- Authorizes a student to:
 - Express his or her religious beliefs in written and oral assignments free from discrimination.
 - Wear clothing, accessories, and jewelry that display a religious message or symbol to the same extent as secular types of clothing, accessories, and jewelry that display messages or symbols are permitted.

- Pray or engage in and organize religious activities before, during, and after the school day to the same extent that student engagement in secular activity or expression and the organization of secular activities and groups are permitted.
- Requires a school district to:
 - Comply with Title VII of the Civil Rights Act of 1964 and specifies that a school district may not prevent school personnel from participating in religious activities on school grounds that are student-initiated at reasonable times before or after the school day.
 - Give a religious group access to the same school facilities for assembling as given to a secular group without discrimination and authorizes such a religious or secular group to advertise or announce its meetings.
 - Adopt a policy that establishes a limited public forum for student speakers at any school event at which a student is to speak publicly.
- Requires the Florida Department of Education to develop and publish on its website a model policy regarding a limited public forum and the voluntary expression of religious viewpoints by students and school personnel in public schools. The model policy must be adopted and implemented by each district school board.

The bill passed the House Education Committee favorably.

SB 914 by Baxley relating to Public Meetings. The bill specifies that members of a board may participate in “fact-finding” exercises or excursion to research public business, and may participate in meetings with a member of the Legislature if:

The board provides reasonable notice;

A vote, official act, or an agreement regarding a future action does not occur;

There is no discussion of “public business” that occurs; and

There are appropriate records, minutes, audio recordings, or video recordings made and retained as a public record.

The bill also provides that, if there is a gathering of two or more board members where no official acts are taken and no public business is discussed, then no public notice or access is required.

Finally, the bill codifies judicial interpretation and application of the terms: “de facto meeting,” “discussion,” “meeting,” “official act,” and “public business.”

The bill passed the Senate Ethics and Elections Committee favorably.

Legislation Considered in House

EDC2 by Education Committee relating to Best and Brightest Teachers and Principals.

HB 15 by Sullivan relating to Educational Options. The bill expands access to the Gardiner Scholarship Program (GSP) and strengthens accountability by:

- expanding student eligibility;
- expanding the authorized uses of scholarship funds;
- revising the eligibility requirements of private schools participating in the GSP; and
- clarifying a student’s eligibility to receive scholarship payments.

The bill expands access to the John M. McKay Scholarship for Students with Disabilities Program by allowing students to be reported in either the October or February Florida Education Finance Program (FEFP) survey, in order to be eligible. The bill also clarifies that the instructional and work experience hours that a transition-to-work student must receive are on a per week basis.

The bill revises the Florida Tax Credit (FTC) Scholarship Program by:

- increasing the base annual scholarship amount, differentiated by grade level, for students enrolled in eligible private schools;
- increasing the amount of a transportation scholarship for a student who chooses a public school outside their district from \$500 to \$750;
- allowing a dependent child of a parent who is a member of the U.S. Armed Forces to apply for a scholarship at any time;
- authorizing an SFO to make scholarship payments on behalf of a parent only if the SFO receives prior approval from the parent each time; providing that a private school that has consecutive years of material exceptions listed in their annual financial reports may be ineligible to participate in the FTC; requiring the Department of Revenue (DOR) to provide a copy of a denial letter to the SFO specified by the taxpayer seeking the tax credit; and
- revising the date that a private school's agreed upon procedures report from a CPA is due to the SFO from September 15, to August 15, of each year.

The bill appropriates \$200 million for Gardiner scholarship funds and \$6 million for administrative fees for eligible SFO's to administer the GSP.

The bill passed the House PreK-12 Innovation Subcommittee favorably as a committee substitute.

HB 373 by Grant (M) relating to Education. The bill clarifies that the district must issue contracts on an annual basis and may not:

- award an annual contract to instructional personnel based on a contingency or condition that is not expressed in s. 1012.335, F.S.; or
- alter or limit its authority to award or not award an annual contract to instructional personnel as provided in s. 1012.335, F.S.

The bill provides that the provision prohibiting a school board from awarding, or altering its authority to award, an annual contract not expressed in s. 1012.335, F.S., only applies to collective bargaining agreements entered into or renewed by a district school board on or after this law is enacted

The bill passed the House PreK-12 Innovation Subcommittee favorably.

HB 833 by Sullivan re to Students Eligibility for K-12 Virtual Instruction. The bill removes the prior year in public school requirement and provides that all K-12 students, including home education and private school students, are eligible for both full-time and part-time virtual instruction options.

The bill removes passage of an online content assessment, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes, as an option to fulfill the online course requirement.

The bill passed the House PreK-12 Innovation Subcommittee favorably.

PKQ1 by PreK-12 Quality Subcommittee relating to Civic Literacy.

WMC1 by Ways & Means Committee relating to Local Government Fiscal Transparency. The bill was substantially revised from the original concept document that was discussed in committee a few weeks ago. However, there are still major concerns about the implementation costs for school districts. In addition, there is a need to align some of the notice, meeting, and publishing provisions with current practice.

The bill requires posting on its website the local government governing boards' voting records related to tax increases and issuance of tax-supported debt (phased in over 4 years).

Online access to property tax TRIM notices and a 4-year history of property tax rates and amounts at the parcel level is also required. This requirement is phased in over 3 years. Further, a 4-year history of property tax rates and total revenue generated at the jurisdiction level must be provided on government websites (phased in over 4 years).

The bill requires additional public meetings and expands public notice requirements for local option tax increases, other than property taxes, and new long-term, tax-supported debt issuances. Public notices for proposed tax increases would have to contain information regarding the rate and total annual amount of revenue expected from a tax increase, the annual additional revenue expressed as a percent of annual general fund revenue, detailed explanation of intended uses of the levy, and an indication of whether or not the tax proceeds will be used to secure debt. Public notices for proposed new, long-term debt issuance (i.e., debt with duration of more than five years) would have to disclose the total lifetime costs of the debt, annual debt service, and effects of the new debt on a government's debt affordability measures.

Local governments would be required to conduct and consider a debt affordability analysis prior to approving the issuance of new, long-term tax-supported debt. The analysis would consist, at a minimum, of calculating a debt affordability ratio for the most recent five years and at least two projected years to gauge the effects of the proposed new debt issuance on the government's debt service to revenue profile. The debt affordability ratio is the annual debt service for outstanding tax-supported debt divided by total annual revenues available to pay debt service on outstanding debt.

Under current law, local governments are required to have a CPA conduct an annual financial audit, if the Auditor General has not already scheduled an audit of the local government. The bill requires the auditor to report whether or not the local government is in compliance with the provisions of the new "Local Government Fiscal Transparency Act" contained in Part VIII of ch. 218, F.S., created by the bill. The Auditor General must request evidence of corrective action from local governments found not to be in compliance with the Act. Local governments must provide evidence that corrective action has been initiated within 45 days and evidence of completion within 180 days of such request. The Auditor General must report to the Legislative Auditing Committee local governments that do not take corrective action.

The proposal passed the committee and will be submitted as a Committee Bill by the House Ways & Means Committee.

WMC2 by Ways & Means Committee relating to Local Government Fiscal Responsibility. The bill was substantially revised from the original concept document that was discussed in committee a few weeks ago. School districts are now exempt from the requirement of a statutory maximum millage rate.

The bill prohibits a municipality or county from enacting, extending or increasing local option taxes other than property taxes, if the municipality or county had adopted a millage rate in excess of its rolled-back rate (with certain specified exceptions) in any of the three previous years. The bill does not apply this prohibition to school districts. However, the bill does amend the process for approval of a school capital outlay discretionary sales surtax. Under current law, in order to levy a school capital outlay discretionary sales surtax, the school board must approve a resolution, by majority vote, to place the question on the ballot for voter approval. The bill requires that the resolution be approved by a 4/5 majority of the school board.

The bill requires voter approval for any new tax-supported debt that pledges revenues beyond 5 years. The voter approval would be subject to the same election restrictions described above for local option and property taxes. The bill provides an exception to this requirement in certain emergency situations, by allowing the governing board, by a 4/5 majority vote to authorize a vote at an election other than the general election, while still requiring 60 percent voter approval. The bill requires the resolution to declare that an emergency exists, that issuance of new tax-supported debt prior to the next general election is necessary as a direct result of the emergency, and to set forth a plan for use of the proceeds for purposes directly related to the emergency. The bill uses the definition of “emergency” found in Chapter 252, F.S. (Emergency Management).

The bill may be a county of municipality mandate requiring a two-thirds vote of the membership of the House.

The bill was passed favorably by the Ways & Means Committee to be submitted as a committee bill. The bill is now HB 7063.

HB 11 by Plakon relating to Labor Organizations. The bill requires an employee organization to include the following information in its annual financial report for each certified bargaining unit that the organization represents:

- The number of employees in the bargaining unit who are eligible for representation by the employee organization; and
- The number of employees who are represented by the organization, specifying the number of members who pay dues and the number of members who do not pay dues.

If a registered employee organization does not submit this information for a certified bargaining unit it represents, the organization’s certification for that unit is revoked. This provision does not apply to an employee organization that represents, or seeks to represent, employees who are law enforcement officers, correctional officers, or firefighters.

The bill also requires an employee organization that has been certified as the bargaining agent for a unit whose dues-paying membership is less than 50 percent of the employees eligible for representation in that unit to petition the commission for recertification as the exclusive representative of all employees in the unit within one month after the date on which the organization applies for registration renewal. The certification of an employee organization that does not comply with this requirement is revoked. This

requirement does not apply to an employee organization that represents, or seeks to represent, employees who are law enforcement officers, correctional officers, or firefighters.

The bill passed the House Oversight, Transparency & Administration Subcommittee favorably

HB 163 by Burgess relating to Public Records. If an agency unlawfully fails to provide a public record, the person making the public records request may sue to have the request enforced. Once an enforcement action has been filed, an agency can be held liable for attorney fees even after the agency has produced the requested records.

The bill provides that a court must assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if it determines that:

- The agency unlawfully refused to permit the public record to be inspected or copied; and
- The complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 days before filing the civil action, except as provided below.

The complainant is not required to provide written notice of the public record request, as required above, if the agency does not prominently post the contact information for the agency's custodian of public records in the agency's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website, if the agency has a website.

A court may not assess and award any reasonable costs of enforcement, including reasonable attorney fees, against the agency if the court determines that the request to inspect or copy the public record was made primarily to harass the agency or cause a violation of ch. 119, F.S.

The bill passed the House Committee on Oversight, Transparency & Administration Subcommittee favorably.

I hope this information is helpful. If you have any questions, please call me at 850.577.5784 or on my cell at 850.509.4242.

I look forward to seeing you next week.