

March 24, 2017

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Garrett Bruner, Legislative Intern
Blair Schneider, Legislative Intern
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RE: Legislative Update – Week of March 20, 2017

General Information

At this point in session, the House and Senate are usually working in the budget. However, the Senate PreK-12 Education Appropriations Subcommittee did not meet this week. The House PreK-12 Appropriations Subcommittee continued, for the most part, to hear budget project bills. However, all indications are that the budget process will begin next week.

The committee process in the House is winding down. Next week should be the last meeting of House subcommittees, except for budget subcommittees. The full committees will continue to meet. Senate committees continue to meet.

The Senate Education Committee workshopped several bills relating to assessments, accountability and high school graduation requirements. A chart summarizing the bills is attached. It does not appear that the committee will have a proposed committee substitute that addresses the components of each bill. One of the bills, SB 926 by Flores relating to student assessments is on the Senate Education Committee for Monday, March 27th. A comparison of SB 964 by Senator Montford and SB 926 is attached.

House members have been discussing a proposal that would limit turnaround options for certain low performing schools. In addition, the proposal would create a new pathway to encourage impact operators with proven track records in serving low income students to open charter schools in areas of low performing schools. A summary of the proposal is attached. However, specific bill language is not yet available, but is expected soon.

Senate Bills relating to Education

SB 642 by Garcia relating to Public Education Facilities. The bill revises provisions related to public educational facilities. Specifically, the bill:

- Requires the Commissioner of Education to, upon request by a district school board, grant an exemption to the State Requirements for Educational Facilities (SREF);
- Requires the district school board to provide a comprehensive cost-benefit analysis along with its request for an SREF exemption;

- Specifies, for the purposes of determining the capacity of school facilities as reported in the Florida Inventory of School Houses that a school containing kindergarten through grade 5 is considered an elementary school and a school containing students in grades 6 through 8 is considered a middle school.

The bill passed the Senate Education Committee favorably.

SB 772 by Rouson relating to Assistive Technology Devices. The bill revises provisions related to the use of assistive technology devices by students with disabilities. Specifically, the bill:

- Clarifies that access to and use of the assistive technology device is essential for a student moving from school to home and community;
- Specifies an individualized plan for employment as one of the plans that may serve as the basis for issuing an assistive technology device to a student; and
- Requires the Office of Independent Education and Parental Choice, within DOE, to enter into interagency agreements with specified agencies, as appropriate, for the transaction of assistive technology devices.

The bill passed the Senate Education Committee favorably.

SB 780 by Stargel relating to Adoption Benefits. The bill expands the definition of qualifying adoptive employee to include a full-time or part-time employee of a charter schools and the Florida Virtual School (FLVS) for the purpose of extending to the employees of such schools the benefits specified in law for qualifying adoptive employees of state agencies. The bill also provides that a qualifying adoptive employee of a charter school and the FLVS may retroactively apply for the adoption benefit under certain conditions.

The bill passed the Senate Education Committee favorably.

SB 808 by Mayfield relating to Maximum Class Size. The bill revises the maximum class size calculations for public schools. Specifically, the bill modifies the maximum class size penalty calculation to be at the school level.

The bill passed Senate Education Committee favorably.

SB 278 by Steube relating to Local Tax Referenda. The bill requires local governments to hold a referendum during a general election or primary election to adopt or amend local option discretionary sales surtaxes under s. 212.055, F.S. If the referendum is held in the primary election, the referendum must receive an affirmative vote from 60% of those voting on the referendum for passage. If the referendum is held in the general election, the referendum must receive an affirmative vote from 50% of those voting on the referendum for passage. The bill takes effect July 1, 2019.

The bill passed the Senate Ethics and Elections Committee favorably.

HB 286 by Steube relating to Human Trafficking Education. The bill adds information on the dangers and signs of human trafficking to the instructional requirements for middle and high school students in the public school system.

The bill passed the Senate Children, Families, and Elder Affairs Committee favorably.

House Bills relating to Education

HB 525 by Silvers relating to High School Graduation Requirements. The bill expands current law by permitting a student to use credit earned upon completion of a DOE-registered apprenticeship or pre-apprenticeship program to satisfy the credit requirements in courses in fine or performing arts, speech and debate, or practical arts; or electives.

The bill passed the PreK-12 Quality Subcommittee favorably.

HB 549 by Fine relating to Student Assessments. Currently, public access to test items under Florida's statewide assessment program is limited to sample questions which are not included in assessments administered under the program. The bill requires the Commissioner of Education, beginning with the 2019-2020 school year and every 3 years thereafter, to publish on the Florida Department of Education's (DOE) website each statewide, standardized assessment and statewide end-of-course (EOC) assessment, thereby providing public access to standardized tests taken by students in Florida.

The bill allows the Commissioner of Education to determine the schedule for publishing assessments during the 3-year period; however, the initial publication must include the grade 3 English language arts (ELA) and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

The bill requires the DOE to provide materials on its website to help the public interpret the published assessment information.

The bill passed the PreK-12 Quality Subcommittee favorably.

HB 655 by Porter relating to Exceptional Student Instruction. An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident.

Within 10 business days after receiving the notification that an exceptional student is located in a residential facility, the receiving school district must review the student's individual educational plan (IEP) to determine if it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district. The receiving school district must:

- Provide educational instruction to the student;
- Contract with another provider or facility to provide the educational instruction;
- Contract with the residential care facility in which the student resides to provide the educational instruction; or
- Decline to provide or contract for educational instruction.

The bill removes the option for the school district receiving an exceptional student with a disability who resides in a residential facility to decline to provide or contract for educational instruction.

The bill passed the PreK-12 Innovation Subcommittee favorably.

HB 757 by Donalds relating to Voluntary Prekindergarten Education. The bill:

- Requires the Just Read, Florida! Office to train Voluntary Prekindergarten (VPK) through grade 5 personnel on effective research-based reading instructional strategies and interventions;

- Requires each Early Learning Coalition to coordinate with Florida’s Office of Early Learning (OEL) to assign student identification numbers to each VPK student;
- Requires each public and private school in the VPK program to provide parents the results of the evidence-based pre- and post-assessments within 10 days after administration of each assessment;
- Requires statewide kindergarten screening to emphasize and directly assess early literacy and numeracy skills;
- Authorizes a child that is at risk of not attaining the VPK performance standards to reenroll in one of the school year programs for the subsequent year at the request of the child's parent; and
- Changes the date the DOE must report its findings on district implementation of reading plans from February 1, to December 1, and clarifies that the report must include findings from the previous school year.

The bill appropriates \$10 million to the DOE for development and training of VPK through grade 3 teachers, reading coaches and school principals on research-based reading instructional strategies and interventions.

The bill passed the PreK-12 Innovation Subcommittee favorably.

HB 1391 by Eisnaugle relating to Home Education. The bill:

- Requires a parent’s notice of intent to provide home education to their child(ren) include the student’s full legal name and provides that the notice is prima facie evidence of the validity of the provided information;
- Authorizes school districts to provide a home education student access to career and technical courses and programs;
- Authorizes school districts to offer industry certifications, national assessments and statewide, standardized assessments to a home education student;
- Prohibits a district school superintendent from requiring evidence of a child’s age if the child meets regular attendance requirements by attending certain educational institutions or programs;
- Limits the documentation a school district can require from a home education student;
- Exempts a home education program student from the grade point average requirement for admission to a dual enrollment program if the student meets the minimum score on a college placement test;
- Exempts dual enrollment students from paying postsecondary institution technology fees and explicitly exempts public school, private school or home education dual enrollment students from payment of registration, tuition, technology and laboratory fees; and
- Clarifies that private school and a home education program students are not required to reimburse tuition for dual enrollment.

The bill passed the PreK-12 Innovation Subcommittee favorably.

HB 7037 by Tourism & Gaming Control Subcommittee and Gaming. The bill ratifies and approves a 2017 Gaming Compact between the Seminole Tribe of Florida (Tribe) and the State of Florida (State), and authorizes the Governor to execute the 2017 Compact. Under its terms, the 2017 Compact extends for 20 years both the Tribe’s current exclusive authorization to conduct banked games statewide and the Tribe’s current exclusive authorization to conduct slot machine gaming outside of Miami-Dade and

Broward Counties. In exchange, the Tribe will make revenue sharing payments totaling at least \$3 billion to the State during the first seven years of the 2017 Compact. The Tribe may stop or reduce revenue sharing if the State authorizes specified gaming in violation of the exclusivity afforded by the 2017 Compact.

The 2017 Compact specifies that the monies paid by the Tribe to the State shall be allocated as follows:

- Three percent shall be distributed to local governments affected by the Tribe’s operation of covered games;
- Of the remaining amounts:
 - One-third shall be allocated to K-12 teacher recruitment and retention bonuses;
 - One-third shall be allocated to schools that serve students from persistently failing schools; and
 - One-third shall be allocated to higher education institutions to recruit and retain distinguished faculty.

If such payments are not allocated to the specified educational purposes in the precise manner and amounts set forth above, then all further payments due to the State will cease until such time as such allocations are made, in which event the payments will resume.

The bill passed the House Ways & Means Committee by a vote of 11 to 7.

HB 827 by Porter relating to Teacher Bonuses. The bill removes the annual teacher bonus limits for IB, AICE, AP and CAPE courses. The bill passed in committee. Also, an amendment was adopted that states Each district must allocate at least 80 percent of the funds generated by the Advanced International Certificate of Education examination bonus, in accordance with this paragraph, to the school program that generated the funds.

The bill passed the House Education Committee favorably.

HB 1109 by Antone relating to Private School Student Participation in Extracurricular Activities. The bill revises private school student eligibility by allowing a student in a non-FHSAA member private school to participate in interscholastic or intrascholastic activities at the school where the student could choose to attend pursuant to controlled open enrollment provided the public school has not reached capacity as determined by the school board, in addition to the student’s zoned school which is currently permitted by law.

The bill passed the House Education Committee favorably.

Floor Action - Senate

SB 436 by Baxley relating to Religious Expression in Public Schools. The bill creates the “Florida Student and School Personnel Religious Liberties Act.” The bill passed the full Senate. The House has a similar bill; HB 303 which has been substantially amended. HB 303 has been placed on the House Calendar.

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