

February 9, 2018

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Jim Hamilton
Keenen Vernon, Legislative Intern
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RE: Legislative Update – Week of February 5, 2018

Budget Information

The House and Senate are now postured for the budget conference. The respective General Appropriations Acts proposed by each chamber did not change significantly during floor action. Therefore, the FEFP Budget Runs remain basically unchanged. They are hyperlinked below.

Link to House FEFP Budget Runs: [House FEFP Budget Runs](#)

Link to Senate FEFP Runs: [Senate FEFP Budget Runs](#)

The House will manage budget conference this year. Basically, this means that the final budget will reflect a House Bill number or HB 5001, etc.

The Senate does not have an education conforming bill at this point. The major education provisions were incorporated into the annual implementing bill, which is summarized below.

SB 2502 by Senate Appropriations Committee – 2018-2019 Implementing Bill of the General Appropriations Act (GAA).

The bill was substantially amended on the Senate floor and provisions that were a part of SB 5208 were incorporated into the Implementing Bill. The Implementing Bill is similar to the General Appropriations Act in that it is only effective for the 2018-2019 Fiscal Year. The provisions relating to K-12 Education are as follows:

Section 2. Incorporates the FEFP budget runs into the GAA.

Section 3. Specifies that notwithstanding certain statutes relating to the expenditure of funds provided for instructional materials, for the 2018-2019 fiscal year, funds provided for instructional materials shall be released and expended as required in the proviso language for Specific Appropriation 92. This section expired July 1, 2019.

Section 4. Amends s. 1002.333, F.S., relating to Persistently low-performing schools. The bill modifies the Schools of Hope Program and specifies that a traditional public school that must submit a turnaround plan is eligible to receive funding for services authorized from the hope supplemental services allocation outlined later in the Implementing Bill. Specifies that for the 2017-2018 fiscal year, the state board must provide awards for up to 25 schools.

Section 5. Specifies that any amendments made to statutes referenced in Section 4 above expire July 1, 2019, and the text reverts to those in existence on June 30, 2018, except that any amendments to such text enacted other than this bill are preserved and continue to operate.

Section 6. Amends s. 1011.62, F.S., relating to Funds for operation of schools in order to implement the FEFP. The Hope Supplemental Services Allocation is created to provide district-managed turnaround schools and certain charter schools with funds to offer services to improve academic and community welfare of students and their families. Services include, but are not limited to, tutorial and after-school programs, counseling, nutrition education, and parental counseling. The governing board must approve a plan no later than August 1 and such plans must be submitted to the commissioner by September 1. The statute specifies what must be included in the plan. Schools that received \$2,000 in the 2017-2018 fiscal year will continue to receive \$2,000 per FTE. Remaining eligible schools may receive up to \$2,000 per FTE or as provided in the GAA. This provision expires July 1, 2019.

The Mental Health Assistance Allocation is created to provide supplemental funding to assist school districts in establishing or expanding comprehensive school-based mental health programs. Funds are distributed to each school districts based on each district's proportionate share of the FEFP base funding. The allocation must include a minimum amount as specified in the GAA. Charter schools are also entitled to a proportionate share of district funding upon submission and approval of a plan. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. Prior to distribution of the allocation, the district must develop and submit a detailed plan outlining the local program and planned expenditures to the school board for approval. The language specifies the elements to be included in the plan. Approved plans must be submitted to the commissioner by August 1 of each fiscal year. This provision expires July 1, 2019.

Finally, this section authorizes the Legislature to provide an annual funding compression allocation in the GAA. The allocation is created to provide additional funding to districts and lab schools whose total funds per FTE in the prior year were less than the statewide average. This language expires July 1, 2019.

Section 7. Amends s. 1012.731, F.S., relating to the Florida Best and Brightest Teacher Scholarship Program. The language deletes funding for this program for

the 2018-2019 fiscal year. This change is being made to implement the Senate’s position of incorporating this program into the FEFP and using the funds for salary increases.

The bill passed the full Senate and is postured for conference. The House companion, **HB 5003**, also postured for conference, only contains the provisions incorporating the FEFP and the language relating to instructional materials.

State-Administered Retirement Systems – Rate Bills

The FRS Rate bill has already passed the House and Senate and is enrolled.

HB 5007 by Appropriations – State-Administered Retirement Systems. The bill reports the following current 2017 and recommended 2018 rates for these employee classes. These are the employee classes most common to school districts.

Please note that as you calculate the impact of the rate changes, the following rates are not changed by provisions of these bills. The rates for these elements of the FRS will be the same in FY 2018-2019 as they are in FY 2017-2018.

- **The rates charged to and paid by employees will not change.**
- **The rates charged to and paid by the employers for the Health Insurance Subsidy will not change.**
- **The rates charged to and paid for by the employers for the Administration and Education costs will not change.**

The normal rates are imposed to fund the basic retirement costs of these employee groups. The Unfunded Actuarial Liability (UAL) rates are charged to add the funds necessary to pay for the difference between current balances in the fund and the balances needed to pay 100% of the projected claims that are and will be made by members.

Employee Class	2017 Normal Rate	2018 Recommended Normal Rate	2017 UAL Rate	2018 Recommended UAL Rate
Regular	2.90%	3.04%	3.30%	3.50%
Special Risk	11.86%	12.18%	9.69%	10.60%
County Elected Officers	8.54%	8.50%	35.24%	38.48%
Senior Management	4.29%	4.45%	16.70%	17.89%
DROP	4.17%	4.41%	7.43%	7.96%

The combined normal and unfunded actuarial liability rates for FY 2017 and 2018 are displayed below.

Remember that the current applicable employee rates are in addition to these amounts. Employers are required to pay the currently adopted applicable rates for the Health Insurance Subsidy and the Administrative and Education components of the FRS rates in addition to the combined rates displayed below.

Employee Class	2017 Combined Regular and UAL Rates	2018 Combined Regular and UAL Rates
Regular	6.20%	6.54%
Special Risk	21.55%	22.78%
County Elected Officers	43.78%	46.98%
Senior Management	20.99%	22.34%
DROP	11.72%	12.37%

The staff analysis from the House estimate a total impact on school boards statewide to be \$54.4 million. These costs must be paid from the total potential funds provided to the district in the Florida Education Finance Program. (FEFP) The process of estimating the FY 2018-2019 state budget took the cost of the FRS rate increases into consideration, but there is no separate appropriation to pay these costs.

House Committee Action

HB 1 by Donalds – Hope Scholarship Program.

The bill establishes the Hope Scholarship Program, which provides the parent of a public school student who was subject to an incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at a school with an opportunity to transfer the student to another public school or to receive a scholarship for the student to attend a private school.

If the student enrolls in a public school outside the district, the student is eligible for a transportation scholarship limited to \$750.

On February 7th, the Education Committee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- Clarified that the school principal can assign a designee to conduct hearings.
- Added language to strengthen the accountability and oversight over a scholarship-funding organization.
- Remove duplicate provisions in the bill relating to private school eligibility.
- Clarified that the dealer or agent is required to submit a report to the Department of Revenue on the amount of contributions collected.

The bill passed the House Education committee favorably as substituted.

HB 515 by White – Offenses Against Student Safety.

The bill prohibits an authority figure from soliciting or engaging in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student, regardless of the student's age and whether or not the behavior was consensual. The bill allows a chief administrative officer of a school, or an employee designated to maintain order on the campus, to detain someone until law enforcement arrives if they have probable cause to believe the person is trespassing

On February 7th, the Education Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment revises the criminal offense for an authority figure to engage in or solicit sexual, romantic, or lewd conduct with a student to include a student enrolled in a dual enrollment program.

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

HB 731 by Sullivan – Home Education.

The bill clarifies that a home education program is not a school district program and clarifies that the program must register with the district superintendent for compliance with Florida's school attendance requirements

On February 7th, the Education Committee adopted one amendment. The amendment clarifies that dual enrollment articulation agreements may not limit the number of dual enrollment courses students may take based solely upon a student's enrollment at an independent postsecondary institution.

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

HB 839 by Daniels – Display of State Motto.

The bill requires each district school board to adopt rules that require all schools and all buildings used by the school board to display in a conspicuous place the state motto, *In God We Trust*.

The bill passed the House Education Committee favorably.

HB 887 by Harrell – Reading Instruction.

The bill relates to reading instruction and interventions for struggling readers, particularly in early grades. The bill:

- Beginning with the 2020-2021 school year, requires teachers who provide reading interventions under a school district’s K-12 comprehensive reading plan to be certified or endorsed in reading.
- Requires the Department of Education, as part of its review of certain certification and endorsement requirements, to consider awarding a reading endorsement to teachers who are certified by an internationally recognized reading intervention organization or who complete a program accredited by the organization.
- Requires school districts to provide teachers access to training for a reading endorsement consistent with the DOE’s review of endorsement requirements.

The bill passed the House Education Committee favorably.

HB 1031 by Fischer – Limitation on Terms of Office for Members of District School Board.

The bill proposes an amendment to the Florida Constitution that, if approved by the voters at the general election in November 2018, prohibits a district school board member from appearing on a ballot if, by the end of their current term of office, the member will have served, or but for resignation would have served, in that office for eight consecutive years. The proposed limitation would only apply to terms of office that begin after November 5, 2018.

The bill was not considered by the Education Committee.

HB 1279 by Sullivan – School District Accountability.

The bill revises duties of the Auditor General, revises provisions relating to Office of Inspector General, district school boards, school district superintendents, Commission on Ethics, & DOE duties & responsibilities, and provides appropriation.

On February 7th, the bill was amended in the Education Committee. The bill, as amended:

- Clarifies that any travel outside the district in excess of \$500 to be approved
- Requires, rather than authorize, school boards to post a link to the web-based fiscal transparency tool developed by the DOE

- Authorizes school board members or superintendents elected or appointed 1 year after the identification of the financial emergency conditions to continue to receive a salary if the individual did not participate in the approval or preparation of the final school district budget adopted prior to the identification of such conditions.

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

HB 1391 by Rodrigues – Sexual Offenses Against Students.

The bill makes it a second-degree felony for an authority figure to solicit or engage in sexual conduct, a relationship of a romantic nature, or lewd conduct with a state enrolled at a school. The bill further enhances student safety and increases accountability measures for school officials and employees.

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

HB 1035 by Sullivan – Personalized Education.

The bill renames the Competency - Based Education Pilot Program to the Mastery - Based Educational Pilot Program. The bill allows any district in the state to submit an application to the Department of Education to participate. The bill authorizes districts participating in the pilot program to use an alternative interpretation of letter grades to measure student success in grades 6 through 12. The bill further allows districts to determine and award one full credit toward high school graduation based on the student's mastery of core content and skills.

The bill requires the statewide articulation agreement to ensure fair and equitable access for high school graduates with mastery - based, nontraditional diplomas and transcripts.

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

HB 1091 by Grall – Early Learning.

The bill revises provisions related to the School Readiness program.

On February 6th, the PreK-12 Appropriations Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The bill, as amended:

- Requires OEL to identify observation based assessments that meet specified requirements;

- Revises provision for termination for cause to also include failure to meet the standards;
- Revises requirements for program assessment to include frequency of program assessment;
- Provides a payment differential of up to 5% for providers who submit data on specified domains using the assessment identified by OEL;
- Requires, by July 1, 2019, the single statewide information system to enable analysis of child growth and program impacts and enable parents to monitor the development of their child; and
- Clarifies that the appropriated funds are nonrecurring funds.

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

HB 977 by Fine – Retirement of Instructional Personnel and Administrative Personnel.

The bill provides that effective July 1, 2018, instructional personnel who are authorized to extend DROP participation beyond the 60 - month period must have a termination date that is the last day of the last calendar month of the school year within the DROP extension granted by the employer. For those employees who have already extended DROP on or before July 1, 2018, the member’s DROP participation may be extended through the last day of the last calendar month of that school year. The employer must notify the division of the change in termination date and the additional period of DROP participation for the affected instructional personnel.

In addition, administrative personnel in grades K - 12 who have a DROP termination date on or after July 1, 2018, may be authorized to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel’s termination date is before the end of the school year. Such administrative personnel may have DROP participation extended until the last day of the last calendar month of the school year in which their original DROP termination date occurred.

The bill passed the House Appropriations Committee favorably.

HB 459 by Massullo, Jr. – Public Records.

The bill repeals all public record exemptions for trade secrets in current law, all associated processes for designating a trade secret, and all references to trade secrets contained in definitions for property business information.

On February 8th, the Government Accountability Committee adopted three amendments and reported the bill favorably as a committee substitute. The bill, as amended:

- Deletes provisions relating to public record exemptions for certain information that might reveal trade secrets filed with the Department of Agriculture or Department of Legal Affairs, or held by the Office of Insurance Regulation.
- Authorizes the Office of Insurance Regulation to make certain information available on an aggregate basis.
- Removes a provision that a supplemental report is a public record and not confidential or exempt.
- Clarifies that certain information related to any contract or agreement with an agency or an entity subject to provisions in this bill is not confidential or exempt.

The bill passed the House Government Accountability Committee favorably as a committee substitute.

Senate Committee Action

SB 1006 by Montford – Disaster Response and Preparedness. The bill provides the following:

Amends s. 252.35, F.S., relating to emergency management powers; Division of Emergency Management.

Requires the state emergency management plan to include specific planning for individuals with mental illness and individuals experiencing homelessness. When instituting statewide public awareness programs, information on shelters must address the different types of shelters available, such as special needs shelters and shelters that accept individuals with service animals or pets.

In addition, the Division of Emergency Management must deploy public or private resources to provide guidance to any entity entitled to receive reimbursements for disaster-related expenditures from FEMA to ensure that such entities receive the maximum allowable reimbursements.

Creates s. 252.3551, F.S., relating to Registry of homeless shelters and service providers.

Requires the Division of Emergency Management, in coordination with each local emergency management agency, to establish and maintain a registry with each homeless shelter and homeless services provider in the state. The purpose of the registry is to help determine the number of individuals experiencing homelessness who may need assistance or shelter during an evacuation.

Amends s. 252.3568, F.S., relating to Emergency sheltering of persons with pets.

Requires the Division of Emergency Management to address strategies for the evacuation and sheltering of persons with service animals or pets. Current law just requires strategies for the evacuation of persons or pets – not service animals.

In addition, the division must publish information on its website regarding policies governing the acceptance of service animals or pets at shelters.

Amends s. 252.38, F.S., relating to Emergency management powers of political subdivisions.

Currently, during a declared emergency and upon the request of the director of a local emergency management agency, school boards must provide facilities and personnel to staff such facilities and also provide transportation assistance. The bill would also require Florida State College System institutions and state universities to provide facilities and personnel and coordinate transportation when requested by the local emergency management agency.

Amends s. 252.385, F.S., relating to Public shelter space.

Updates language and clarifies that the Division of Emergency Management must survey existing schools, state universities, Florida College System institutions, and other publicly owned facilities to identify facilities that are designed and located to serve as shelters.

The bill passed the Senate Military and Veterans Affairs, Space, and Domestic Security Committee favorably as a committee substitute.

SB 732 by Baxley – K-12 Education.

The bill modifies requirements related to home education programs, school attendance, and the Florida Partnership for Minority and Underrepresented Student Achievement.

The bill was substituted by the Senate Appropriations Subcommittee on PreK-12 Education during its meeting this week. The committee substitute prohibits a Florida College System institution from limiting the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary institution.

The bill passed the Senate Appropriations Subcommittee on PreK-12 Education favorably as a committee substitute.

SB 856 by Montford – High School Graduation Requirements.

The bill authorizes students to use apprenticeship or preapprenticeship program credit to meet specified credit requirements for high school graduation.

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

SB 996 by Mayfield – Cardiopulmonary Resuscitation in Public Schools.

The bill requires each school district to provide students instruction in cardiopulmonary resuscitation (CPR) and in the use of an automated external defibrillator (AED).

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

SB 1056 by Passidomo – Computer Science Instruction.

The bill creates opportunities for public middle and high school students to learn computer science taught by qualified teachers.

On February 8th, the Appropriations Subcommittee on PreK-12 Education adopted one amendment and reported the bill favorably as a committee substitute. The bill, as amended:

- Defines the term “computer science” to mean the study of computer and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society, and includes computer coding and computer programming.
- Clarifies that such courses must be integrated into each school district’s middle and high schools, including combination schools in which any of grades 6 through 12 are taught.
- Requires certain computer science courses to be included in the Course Code Directory and published on the DOE’s website.

The bill passed the Senate Appropriations Subcommittee on PreK-12 Education favorably as a committee substitute.

SB 1090 by Young – Enrollment of Dependent Children of Active Duty Military Personnel.

The bill promotes the enrollment of dependent children of certain active duty military personnel in virtual instruction programs provided by approved providers.

The bill:

- Adds dependent children of active duty military personnel not stationed in the state to the types of students to whom the Florida Virtual School (FLVS) must give priority for enrollment.
- Adds virtual instruction programs from approved providers to the special academic programs for which a dependent child of active duty military personnel must receive first preference for admission if the child meets the eligibility criteria for such programs. Approved providers include providers approved by the Department of Education, the FLVS, a franchise of the FLVS, or a Florida College System institution.
- Authorizes the FLVS to use the State of Legal Residence Certificate to verify residency for a dependent child of active duty military personnel and to serve such children directly.
- Requires that funding for participation by such children in the FLVS must be in accordance with the law.

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

SB 1172 by Galvano – Hope Scholarship Program.

The bill establishes the Hope Scholarship Program, and provides DOE obligations relating to participating students and private schools and program requirements.

The bill was amended in the Senate Appropriations Subcommittee on PreK-12 Education. Specifically, the committee substitute:

- Clarifies that a student may transfer to another public school that has capacity under the Hope Scholarship Program (HSP).
- Defines “principal” to mean the principal or his or her designee. Requires the school district to provide written notification to the victim’s parent of the result of the investigation of the alleged incident. The parent must provide

this notification to the scholarship-funding organization (SFO) that verifies the student's eligibility.

- Authorizes payment of the scholarship by the SFO by funds transfer made by debit cards, electronic payment cars, or other means that the department deems commercially viable or cost-effective.
- Appropriates \$2 million in recurring funds to the Department of Education to implement the HSP.

The bill passed the Senate Appropriations Subcommittee on PreK-12 Education favorably as a committee substitute.

SB 1286 by Simmons – Gardiner Scholarship.

The bill revises the meaning of a rare disease within the definition of a “disability” for purposes of the Gardiner Scholarship Program.

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

SB 1306 by Perry – Reading Instruction.

The bill modifies provisions related to reading interventions. Specifically, the bill:

- Requires teachers providing interventions to be certified or endorsed
- Requires the DOE to consider awarding endorsements to teachers who are internationally certified
- Requires each school district to provide elementary instructor access to training to earn reading endorsement.

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

SB 1532 by Stargel – Early Learning Coalitions.

The bill authorizes early learning coalitions to refuse to contract with a school readiness program provider if the provider has been cited for a class I violation. A class I violation is the most serious in nature and poses an imminent threat to a child including abuse or neglect that could result in death or serious harm to the health, safety or well-being of a child.

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

SB 1756 by Simmons – School Accountability.

The bill strengthens the accountability provisions for private schools that participate in state school choice scholarship programs and applies such provisions consistently to the participating schools.

The bill was amended in the Senate Appropriations Subcommittee on PreK-12 Education to include the following provisions:

- Appropriates \$596,560 in 5 recurring funds from the General Revenue Fund and \$142,134 in 6 nonrecurring funds from the General Revenue Fund are 7 appropriated to the Department of Education to implement the 8 provisions of this act.
- Defines the term “owner or operator” as an owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decision making authority over an eligible private school.
- Requires that teachers teaching students in grade 2 or above hold a baccalaureate or higher degree from a regionally or nationally accredited college or university in the U.S. or from a recognized college or university in another country. This requirement will apply to full-time teachers hired after July 1, 2018.

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

SB 1548 by Book – K-12 Student Safety.

The bill modifies Florida law regarding educator certification requirements and district school board duties relating to school safety.

The bill passed the Senate Criminal Justice Committee favorably.

SB 260 by Book – Students with Disabilities in Public Schools.

The bill revises the use of restraint techniques on certain students with disabilities.

The bill was substituted by the Education committee on February 6th. The committee substitute:

- Defines “student” to mean a student with a disability .
- Explicitly prohibits the use of a prone or supine restraint.
- Prohibits the use of a mechanical restraint, defines mechanical restraint, identifies types of mechanical restraints, and clarifies that calming blankets do not constitute a mechanical restraint.

- Provides that documentation, reporting, and monitoring requirements in law also apply to the use of exclusionary or non-exclusionary time.
- Requires a school to make redacted copies of documentation related to the use of restraint or exclusionary or non-exclusionary time available to the public through the Department of Education’s website by October 1, 2018.

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

SB 1738 by Stewart – VPK Education Program.

The bill authorizes an early learning coalition to refuse to contract with a private provider of the Voluntary Prekindergarten Education Program if the provider has been cited for a class I violation.

On February 6th, the Education Committee adopted one amendment and reported the bill favorably as a committee substitute. The bill, as amended:

- Modifies a provision prohibiting a private prekindergarten provider from participation in the VPK program for specified violations, to specify that if a private prekindergarten provider has been cited for a class I violation, the early learning coalition (ELC) may refuse to contract with the provider.
- Removes from the bill, the provision authorizing ELCs to revoke school readiness program providers’ eligibility to deliver the school readiness program a period of 5 years from the date of the last violation if the provider has been cited for four or more violations relating to the supervision of children within a 2-year period.

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

SB 1254 by Passidomo – Early Learning.

The bill modifies provisions relating to the school readiness program. Specifically, the bill adds requirements for the Office of Early Learning, revises plans for Early Learning Coalitions, and modifies school readiness program terms and standards.

The bill passed the Senate Judiciary committee favorably.

SB 1064 by Baxley – Dual Enrollment Programs.

The bill modifies provisions in the dual enrollment articulation agreement between an eligible postsecondary education institution and an eligible private secondary

school to specify that tuition and fees for dual enrollment may not be passed along to the private school that the student attends.

On February 8th, the Appropriations Subcommittee on PreK-12 Education adopted one amendment and reported the bill favorably as a committee substitute. The bill, as amended clarifies that each public postsecondary institution eligible to participate in the dual enrollment program must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses.

The bill passed the Senate Appropriations Subcommittee on PreK-12 Education favorably as a committee substitute.

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