

November 9, 2017

MEMORANDUM

TO: District School Superintendents
FROM: Joy Frank
RE: Legislative Update

Constitution Revision Commission

The Constitution Revision Commission (CRC) is holding hearings during the weeks that the Legislature is not holding interim committee meetings. The Education Committee, chaired by Commissioner Marva Johnson met the week of October 30th. At this point, the meetings consist of presentations on education governance. On October 31st, the issue of elected and appointed superintendents was discussed as part of a presentation by representatives of the Department of Education. Bobby Pearce, Superintendent of Wakulla County Public Schools was able to come and discuss the role of the superintendent in general and from the perspective of an elected superintendent. I followed with information about both elected and appointed superintendents.

Commissioner Martinez contacted us directly to ask for feedback on a proposal that he submitted – [P 93](#) relating to Education and charter districts. The proposal authorizes a high-performing school district to become a charter district by either a resolution of a majority of the school board or a vote of the electors. The school board would remain the governing board of the charter district and the charter district would be exempt from all provisions of the Florida K-20 Education Code in the same manner, and subject to the same exemptions, as a charter school. The proposal is hyperlinked above and also attached. Please provide any feedback within the next week.

The deadline for submission of proposals by Commissioners was October 31st. Attached is a compilation of the Commissioner proposals that are directly or indirectly related to education. The major proposals dealing the taxation, elections and ethics are included.

The CRC Education Committee is scheduled to hold meetings on November 27th, 28th and 30th. At this point an agenda has not been filed. My understanding is that the [Blaine Amendment](#) may be discussed though that proposal has not been referred to the Education Committee. Other proposals that may be discussed or considered include [P 10](#) (Civic Literacy), [P 32](#) (school board members and others serve without compensation) and [P 33](#) (superintendents become appointed). As the agenda is finalized, I will provide more information.

General Legislative Information

The Senate Education Appropriations Subcommittee discussed hurricane issues on October 25th. Several superintendents and district staff served on a panel. Specifically, Superintendents Tim Forson, Paul Puletti, Kam Patton served on the panel in addition to representatives from Santa Rosa and Broward County School Districts. They did any outstanding job of sharing the challenges of sheltering the general public and reopening schools after a hurricane. At the same meeting, there was a panel discussion of

mental health and substance abuse needs and services in public schools. Superintendents Bob Runcie, Paul Puletti, and Kam Patton served on the panel in addition to representatives from Polk and St. Johns County School Districts. This is an issue of great interest to Senator Passidomo.

The discussion of Hurricane Preparedness continued this committee meeting week with presentations by Superintendent Kurt Browning and a principal from Miami-Dade County Public Schools before the House Select Committee on Hurricane Response and Preparedness. The Select Committee will be discussing policy recommendations next week and final recommendations are expected at the December committee meeting.

Committee Action - Senate

SB 354 by Senator Stargel relates to Government Accountability. Provisions included in this bill did not pass the legislature last year. The bill:

- Specifies that the Governor or Commissioner of Education, or designee, may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements;
- Provides definitions for the terms "abuse," "fraud," and "waste;"
- Requires each agency, the judicial branch, the Justice Administrative Commission, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Guardian Ad Litem program, local governmental entities, charter schools, school districts, Florida College System institutions, and state universities to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse;
- Limits the amount that may be reimbursed per day for state agency and judicial branch employee lodging expenses for travel under certain circumstances to \$150;
- Requires all governmental entities to use the statewide travel management system;
- Provides that the Department of Financial Services may request additional information from local government entities when preparing its annual verified report;
- Requires a local governmental entity, district school board, charter school, or charter technical career center, Florida College System board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances;
- Requires an independent certified public accountant conducting an audit of a local governmental entity to determine, as part of the audit, whether the entity's annual financial report is in agreement with the entity's audited financial statements;
- Revises the composition of auditor selection committees;
- Requires completion of an annual financial audit of the Florida Virtual School; and
- Prohibits a board or commission from requiring a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being given the opportunity to be heard.

The bill passed the Senate Community Affairs Committee favorably as a committee substitute. A similar bill, HB 11, by Representative Metz, passed the House Government Accountability Committee and has been placed on the House Calendar.

SB 88 by Senator Hukill relating to High School Graduation Requirements (Financial Literacy) passed the Senate Appropriations Education Subcommittee favorably. (See previous report for analysis). The bill passed the subcommittee and is now in the Full Appropriations Committee.

Committee Action – House

HB 1 by Representative Donalds relating to the Hope Scholarship Program. The bill establishes the Hope Scholarship Program (HSP), which provides the parent of a public school student subjected to an incident at school the opportunity to transfer the student to a public school within the school district, receive a scholarship to transport the student to a public school in another school district, or receive a scholarship for the student to attend a private school. For purposes of the program an incident includes battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, battery, threat, intimidation or fighting at school. School means any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

Beginning with the 2018-2019 school year, contingent on funds, scholarships are awarded on a first-come, first-served basis.

A student is ineligible for the HSP if the student is:

- Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, a developmental research school or a charter school;
- Enrolled in a Department of Juvenile Justice commitment program;
- Enrolled in a virtual school, correspondence school or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to two courses per school year; or
- Receiving any other state sponsored K-12 educational scholarship.

Once an incident is reported to the school principal, the school principal must provide a copy of the incident report to the parent and investigate the incident to determine if the incident must be reported to the DOE. Upon conclusion of the investigation or within 15 days after receipt of the report of the incident, whichever occurs first, the school district must notify the parent of the HSP and offer that parent an opportunity to enroll their student in another public school or to receive a Hope Scholarship to attend an eligible private school. If the student enrolls in a public school outside the district, the student is eligible for a transportation scholarship limited to \$750.

The Department of Education must contract with an independent entity to conduct an annual evaluation of the program. The entity must review the school climate and code of student conduct at each public school at which 10 or more reported incidents occurred to determine areas for improvement. The review must include an assessment of the investigation of incidents; analysis of school incident and discipline data; the effectiveness of communication with students, parents, and personnel; and challenges and obstacles to implementing recommendations. The entity must also identify best practices from the schools to which students transferred.

The entity will also review the performance of participating students enrolled in private schools at which at least 51 percent of total enrolled students are program participants. Parents of participating students will be surveyed to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident or use of the scholarship.

The bill requires school districts to notify scholarship students in private schools who wish to participate in the statewide student assessment program or the Florida Alternate Assessment of the locations and times to take all statewide assessments.

Private schools that participate in the HSP must meet the same requirements for participation established by Florida Tax Credit Scholarship Program.

Likewise, the commissioner has the same duties and responsibilities over private schools established in the Florida Tax Credit Program. A participating SFO will be governed by the same statutory requirements as outlined in the Florida Tax Credit Scholarship Program.

The HSP is funded by taxpayers who make an eligible contribution to a scholarship funding organization. The eligible contribution provides the taxpayer with a credit against any tax due as a result of the purchase or acquisition of a motor vehicle. The credit may not exceed the amount of taxes owed. Each eligible contribution is limited to a single payment of \$20 at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer. The purchaser elects whether or not to contribute at the time of the purchase or registration of the vehicle. Contributions must be made to a dealer at the time of purchase or to an agent of the Department of Revenue (DOR) at the time of registration, if the vehicle was not purchased from a dealer.

The bill passed the House PreK-12 Innovation Subcommittee favorably and is now in the PreK-12 Appropriations Subcommittee.

PCB PIE 18-02 by House Public Integrity & Ethics Committee relates to Local Government Ethics Reform. The bill, among other provisions, adds school districts to the list of governmental entities that must withhold salary-related payments from employees for failure to timely file a disclosure of financial interests.

The bill passed the House Public Integrity & Ethics Committee favorably as a committee bill and has been filed as HB 7003.

PCB WMC 18-01 by the House Ways & Means Committee relates to a Supermajority Vote for State Taxes or Fees. This joint resolution proposes an amendment to the state Constitution that would provide that no state tax or fee may be imposed, authorized, or raised by the legislature, or authorized by the legislature to be raised except through legislation approved by two-thirds of the membership of each house of the legislature.

The bill passed the House Ways & Means Committee favorably and has been filed as HB 7001.

Legislative interim committee meetings are scheduled for the week of November 13th and December 4th. The regular legislative session begins on Tuesday, January 9, 2018.

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