

**Emergent Design and Development
Legislative Update
January 10, 2005**

We wish you a happy, healthy and prosperous New Year!

Here at EDD, we are starting the 2005 year by tracking all the education bills that have been pre-filed. We will continue to track education-related legislation throughout the session, and will be furnishing you with important information regarding education and the state's budget.

Here is how the year is shaping up:

- I. The Governor has signed the Pre-K Bill. We are attaching an excellent synopsis of the bill provided by the Florida School Boards Association. The entire 94-page bill can be found at www.leg.state.fl.us (Florida House, 2004A Special Session, Bill 1A Early Learning)

- II. The Legislative Calendar is shown below. The ending date is always flexible, as you know.

JAN.10-14	INTERIM COMMITTEE MEETINGS
JAN. 24-28	INTERIM COMMITTEE MEETINGS
FEB. 7-11	INTERIM COMMITTEE MEETINGS
FEB. 14-18	INTERIM COMMITTEE MEETINGS
FEB. 21-25	INTERIM COMMITTEE MEETINGS
MARCH 8	SESSION BEGINS
MAY 6	SESSIONS ADJOURNS

- III. We are tracking the following education bills that have begun to make their way through committees. Please notice that some of these bills are “placeholders” – essentially titles and intent that have been filed without content.

SENATE BILLS

S2 GENERAL BILL by King (Compare [H 0093](#), [S 0584](#))
Scholarship Programs; amends provision re John M. McKay Scholarships for

Students with Disabilities Program; extends term of scholarship; requires that private school maintain physical location in this state; prohibits participating private schools from sending or directing scholarship funds to parents of scholarship student who receives instruction at home; requires DOE to determine eligibility of private school to participate in program, etc. Amends 1002.39, 220.187.

S46 GENERAL BILL by Geller

Non-instructional Personnel/Schools; requires DOE to limit number of said personnel that may be employed by school districts; requires that dept. classify school districts based on number of full-time-equivalent students enrolled in district; requires that department establish ratios within each district classification for maximum percentage of personnel to students; limits maximum ratios that DOE may establish, etc.

S92 GENERAL BILL by Margolis

Educator/Hate Crime Training Program; provides legislative findings to enunciate that effective educator in this state is able to demonstrate awareness of actions that may constitute hate crime by completing hate crimes training program offered by Legal Affairs Department. Amends 1012.52.

S104 GENERAL BILL by Constantine

Accelerated HS Graduation/Options; revises requirements applicable to selecting such accelerated option; revises required courses for 3-year standard college preparatory program; deletes provisions authorizing student to select 3-year standard career preparatory program; revises requirements for grades that must be earned to participate in accelerated program; provides for default to standard graduation requirements in certain circumstances. Amends 1003.429.

S126 GENERAL BILL by Margolis

K-12 Instruction/Physical Education; requires physical education on full-year basis for students in grades 1 through 8; requires development of physical education program; increases physical education credit requirements & decreases elective credit requirements for high school graduation; requires State Board of Education to adopt rules for satisfaction of certain credit requirements, etc. Amends 1003.42, 43.

S160 GENERAL BILL by Siplin

Student Assessment Instruments; authorizes student's parent & accompanying student to review questions & student's answers to those questions on criterion-referenced portion of Fla. Comprehensive Assessment Test; requires DOE to honor requests within certain time period; allows passage of alternative assessments in lieu of grade 10 FCAT for certain transfer students subject to certain conditions

beginning in 2005-2006 school year, etc. Amends 1008.23, 1003.433; repeals 1008.301.

S176 GENERAL BILL by Lynn

Fla. School Recognition Program; revises requirements for uses of funds awarded under program; provides that all such awards must be used for bonuses to faculty & staff of selected schools; requires that awards be counted in calculating retirement benefits. Amends 1008.36.

S218 GENERAL BILL by Wilson

Teachers/Cost-of-Living Increase; requires Legislature to fund cost-of-living increase in General Appropriations Act for teachers who teach prekindergarten through grade 12 in public school system. Creates 1011.635.

S222 GENERAL BILL by Wilson

Schools/Student Assessment Program; requires Education Commissioner to approve continuing use of scores on specified tests as alternatives to scores on grade-10 FCAT for students who have failed FCAT as specified; requires State Board of Education to annually determine scores on SAT & ACT tests which are equivalent to FCAT scores; repeals provision re concordance study of FCAT equivalency, etc. Amends 1008.22; repeals 1008.301; reenacts FS.

S224 GENERAL BILL by Wilson

School Grading System; removes letter grades from performance grade categories by which schools must be identified in Commissioner of Education's annual report of results of statewide assessment program; corrects references to letter grades, to conform. Amends 1008.34, 1001.42, 1002.38, 1003.62, 1008.33, 345, 1011.62

S256 GENERAL BILL by Margolis

Childhood Obesity Prevention Act; provides nutritional standards for food that is available to school children on school campuses & that is sold for fundraising purposes; requires each school's child nutrition program to approve all food sold on campuses or sold for fundraising purposes; authorizes Agric. & Consumer Services Dept. to impose fine against food manufacturer, processor, packer, or distributor that misrepresents nutritional information on food labels, etc. Amends 500.121.

S296 RESOLUTION by Wilson

STOP Day; recognizes April 20, 2005, as "STOP Day" in State of Florida, as day of awareness of importance of stopping violence in schools.

S302 GENERAL BILL by Atwater (Similar [H 0073](#))

FRS/Purchase of Retirement Credit; provides for purchase of retirement credit for nonqualified service; authorizes purchase of such credit; provides limitations & conditions; provides for costs. Creates 121.11225.

S358 GENERAL BILL by Baker (Identical [S 0476](#), Compare [H 0013](#), [H 0101](#))

Florida Sales Tax Relief Act; specifies periods during which sale of clothing, wallets, bags, school supplies, & books shall be exempt from such tax; provides that exemption does not apply to sales within certain theme parks, entertainment complexes, public lodging establishments, or airports; provides for DOR to adopt rules, etc. APPROPRIATION: \$400,000.

S376 GENERAL BILL by Alexander

Education; expresses legislative intent to revise laws re education.

S380 GENERAL BILL by Alexander

Class Size; expresses legislative intent to revise laws re class size.

S382 GENERAL BILL by Alexander

Public School Funding; expresses legislative intent to revise laws re public school funding.

S384 GENERAL BILL by Alexander

School Readiness; expresses legislative intent to revise laws re school readiness.

S386 GENERAL BILL by Alexander

K-20 Performance; expresses legislative intent to revise laws re K-20 performance.

S424 GENERAL BILL by Carlton

Employee Benefits; expresses legislative intent to revise laws re employee benefits.

S476 GENERAL BILL by Webster (Identical [S 0358](#), Compare [H 0013](#), [H 0101](#))

Florida Sales Tax Relief Act; specifies periods during which sale of clothing, wallets, bags, school supplies, & books shall be exempt from such tax; provides that exemption does not apply to sales within certain theme parks, entertainment complexes, public lodging establishments, or airports; provides for DOR to adopt rules, etc. APPROPRIATION: \$400,000.

S482 GENERAL BILL by Clary

State Lottery/Public Education; provides for deposit of percentage of unclaimed prize money in Educational Enhancement Trust Fund; revises provisions re allocation of revenues for public education; conforms provisions. Amends 24.115,.121, 1010.70

S488 GENERAL BILL by Hill

Taser Use on Minors; prohibits use of Taser or similar device on minor who is in school or on grounds of school that includes specified grade levels.

S490 GENERAL BILL by Lynn

State Lottery/Unclaimed Prize Money; requires that all unclaimed prize money from lottery tickets, except instant lottery tickets, be deposited in Educational Enhancement Trust Fund; requires that unclaimed prize money deposited in said trust fund be used only to provide funding for grades K-12 through Fla. Education Finance Program; amends provision re said trust fund, to conform. Amends 24.115,.121, 1010.70.

S508 GENERAL BILL by Hill

African-American History Month; authorizes Governor to annually recognize month of February as "African-American History & Cultural Heritage Month".

S574 GENERAL BILL by Haridopolos (Identical [H 0099](#))

Official Fruit of Florida; designates orange as official fruit of State of Florida.

S584 GENERAL BILL by Jones (Identical [H 0093](#), Compare [S 0002](#))

McKay Scholarships/Disabilities; excludes hospitalized or homebound students from participating in John M. McKay Scholarships for Students with Disabilities Program; excludes certain students in Juvenile Justice Dept. commitment programs from participation; provides requirements for transfer of amount of McKay Scholarship for students who exit dept. commitment program & choose to participate in scholarship program. Amends 1002.39.

S588 GENERAL BILL by Fasano

Voter Education; requires district school boards & county supervisors of elections jointly to provide program of voter education for high-school seniors; provides guidelines for content of educational program; requires that program of voter education be conducted during school hours.

HOUSE BILLS

HB 39 by Gibson, A. (CO-SPONSORS) Cretul

Public K-12 Education: Allows children of military personnel transferred to Florida after school year has begun to enroll in certain schools or programs in the state; provides that a child shall be listed for enrollment under certain circumstances

HB 51 by Sansom

Public School Personnel: Requires background screening of school volunteers; provides that the cost of background screening of school volunteers and teacher mentors shall be borne by district school boards from funds appropriated by the Legislature.

HB 57 by Poppell (CO-SPONSORS) Cretul; Justice; Sansom

Use of School District Millage: Expands authorized school board millage levy funding to include payment of premiums for property and casualty insurance necessary to insure school district educational plants.

HB 73 by Vana

Florida Retirement System: Provides for the purchase of retirement credit for nonqualified service; authorizes the purchase of such credit; provides limitations and conditions; provides for costs.

HB 85 by Greenstein

Public School Safety: Requires district school boards to establish school resource officer programs; requires a school resource officer or school safety officer to be assigned full-time to each school.

HB 91 by Quinones

Student Assessment: Requires the Department of Education to conduct a concordance study to identify alternative examinations for the grade 10 FCAT for certain students with limited English proficiency; requires approval of such examinations by the Commissioner of Education; provides student eligibility requirements; provides for satisfaction of the assessment requirement for high school graduation.

HB 93 by Bilirakis

John M. McKay Scholarships for Students with Disabilities Program: Excludes hospitalized or homebound students from participating in the John M. McKay Scholarships for Students with Disabilities Program; excludes certain students in Department of

Juvenile Justice commitment programs from participation; provides requirements for transfer of the amount of the McKay Scholarship for students who exit a Department of Juvenile Justice commitment program and choose to participate in the scholarship program.

HB 99 by Clarke (CO-SPONSORS) Kendrick; Needelman; Poppell

Designation of an Official Fruit of the State of Florida: Designates the orange as the official fruit of the State of Florida.

HB 101 by Sansom (CO-SPONSORS) Cretul; Kottkamp

Tax on Sales, Use, and Other Transactions: Specifies a period each year during which the sale of books, clothing, and school supplies are exempt from the tax on sales, use, and other transactions; provides definitions; provides exceptions.

HB 131 by Mealor

Centers of Excellence: Provides purposes and objectives of centers of excellence; creates the Emerging Technology Commission in the Executive Office of the Governor and provides membership thereof; provides duties of Florida Research Consortium, Inc., relating to review and reporting; requires the commission to adopt criteria for evaluating proposals for establishing or expanding centers of excellence; provides requirements for such proposals; requires submission of a recommended plan and approval of a final plan for establishing or expanding centers of excellence; requires semiannual reporting; provide appropriations.

HB 149 by Brummer

Retirement: Revises provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; provides for contribution rate increases to fund such benefits; directs the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.

HB 149 by Patterson

Extracurricular Student Activities: Provides that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; provides that a student shall not be precluded from participation in certain activities; provides certain restrictions with respect to participation.

Florida School Boards Association

HB 1-A Voluntary Pre-Kindergarten Education Program

Governance – The existing school readiness system is transferred from the Florida Partnership for School Readiness to the Agency for Workforce Innovation (AWI) within the Department of Labor. On the state level, AWI is responsible for coordination and administration of the operational requirements of the VPK Program while DOE is responsible for administering the accountability requirements. The Partnership for School Readiness is replaced by the Florida Early Learning Advisory Council which will submit recommendations to DOE and AWI on early learning policy.

School Readiness Coalitions are reconfigured, reduced in number to 30, and renamed Early Learning Councils (ELC). In general, each ELC is expected to serve approximately 2000 VPK students and will administer the VPK programs in their service area. On the local level, the ELC will have oversight of VPK programs offered by private providers and the district school board will have oversight of programs offered in public schools.

Program Options and Requirements – The VPK program is to be implemented at the beginning of the 2005-2006 school year and provides three program options:

- A 540-instructional-hour program delivered during the school year by a private provider;
- A 300-instructional-hour program delivered during the summer by a public school or private provider; or
- A 540-instructional-hour program delivered during the school year by an eligible public school.

A child may not be enrolled in more than one of these program options, except in cases of good cause or extreme hardship. To be eligible to enroll, a child must be a state resident and must be 4 years old on or before September 1. The child remains eligible until the child is eligible to be admitted to kindergarten. The parent must submit an application and a certified copy of the child's birth certificate, or approved alternative proof of age, to the ELC through a single point of entry.

The ELC must provide each parent with a profile of every VPK provider that includes the VPK provider's services, curriculum, instructor credentials, instructor-to-student ratio, and the provider's readiness rate based upon the last available results of the statewide kindergarten screening.

All public and private providers that wish to deliver a VPK program must register with their county/regional ELC. A private VPK provider may determine whether to admit any child. A child may be enrolled in an eligible public school, subject to available space. The school district may limit the number of students admitted to any particular school, but must provide for the admission of every eligible child who enrolls in a summer public school VPK program. All VPK providers must comply with federal anti-discrimination requirements that prohibit discrimination on the basis of race, color, or national origin.

VPK program delivered during the school year by a private provider

Each private provider must be a licensed child care facility, a licensed family day care home, a licensed large family child care home, a nonpublic school exempt from licensure, or a faith based child care provider exempt from licensure. In addition, the private provider must be accredited, hold a current Gold Seal Quality Care designation, or be licensed and demonstrate to the ELC that the provider can meet all requirements of the VPK program.

Before the 2006-2007 school year, the private provider must have a VPK director who has a prekindergarten director credential. Each VPK class must have at least one instructor who holds a Child Development Associate (CDA) credential, or an equivalent or greater credential approved by the Department of Children and Families (DCF). In addition, the instructor must have successfully completed an emergent literacy training course comprised of at least 5 clock hours that is approved by DOE. Further, each instructor must be of good moral character, must meet level 2 screening standards and must not be ineligible to teach in a public school due to his or her educator certificate being suspended or revoked.

Each class must be composed of at least 4 students but may not exceed 18 students. Each class composed of 11 or more students must have, in addition to the instructor, at least one adult who meets the screening requirements.

VPK program delivered during the summer by a public school or private provider

Each district school board shall determine which schools are eligible to deliver the summer VPK program. To be eligible to deliver the summer VPK program, a private provider must meet the same eligibility requirements as required for private providers of the school year VPK program.

The summer VPK program may not begin earlier than May 1 and may be offered only to students during the summer immediately before they become eligible for admission to kindergarten. For public schools, this program is not required to be implemented until on or after May 1, 2006.

For both public and private providers, each summer VPK class must have at least one instructor who is a certified teacher, has a bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, family and consumer science, or elementary education. Instructors must be of good moral character, must meet level 2 screening standards, and must not be ineligible to teach in a public school because his or her certificate is suspended or revoked. These provisions do not supersede requirements for instructional personnel in public school which may be more stringent.

Each summer VPK class must be comprised of at least 4 students, but may not exceed 10 students. Appropriate adult supervision must be provided to ensure student health and safety.

VPK program delivered during the school year by a public school

In order to be eligible to deliver a school year VPK program, the district school board must certify to the State Board of Education that the school district has reduced the average class size in each classroom in accordance with state law and the Florida

Constitution, and has sufficient satisfactory educational facilities and capital outlay funds to continue reducing the average class size in the district's elementary schools each year in accordance with the schedule to achieve full compliance by the beginning of the 2010-2011 school year. The Commissioner of Education must certify that the department concurs with the school board's certification. If eligible, the school district determines which public schools are eligible to deliver the school year VPK program.

Each VPK class must have at least one instructor who holds a Child Development Associate (CDA) credential, or an equivalent or greater credential approved by the Department of Children and Families (DCF). In addition, the instructor must have successfully completed an emergent literacy training course comprised of at least 5 clock hours that is approved by DOE. Further, each instructor must be of good moral character, must meet level 2 screening standards and must not be ineligible to teach in a public school due to his or her educator certificate being suspended or revoked.

Each class must be composed of at least 4 students but may not exceed 18 students. Each class composed of 11 or more students must have, in addition to the instructor, at least one adult who meets the screening requirements. These provisions do not supersede requirements for instructional personnel in public school which may be more stringent.

Aspirational Goals for Professional Credentials of VPK Instructors – It is the intent of the legislature that, by the 2010 - 2011 school year, each VPK class will have at least one instructor who holds an associate's or higher degree in the field of early childhood education or child development, and for classes composed of 11 or more students, the class will also have at least one instructor who holds a Child Development Associate (CDA) credential, or an equivalent, and has completed an emergent literacy training course approved by DOE. By the 2013-2014, each VPK class will have at least one instructor who holds a bachelor's or higher degree in early childhood education or child development.

Curricula and Accountability – Each VPK provider may select or design its own curriculum to meet these performance standards and to prepare students to be ready for kindergarten. By April 1, 2005, DOE must adopt performance standards for the VPK Program that address the age appropriate progress of students as required in the Constitution, and in emergent literacy skills.

DOE must adopt a statewide kindergarten readiness screening instrument to assess readiness for kindergarten. DOE will use this new screening instrument to assign each VPK provider a kindergarten readiness rate based upon the results of the screening for students completing the VPK provider's Pre-K program. School districts are required to administer the screening to each kindergarten student in the school district within the first 30 school days each year. Each parent who enrolls their child in a VPK program must present their child for screening regardless of whether the child enrolls in a public or private kindergarten. The school district must designate sites to administer the screening for children admitted to nonpublic kindergarten.

The State Board of Education must adopt procedures for DOE to annually calculate each VPK provider's kindergarten readiness rate, expressed as a percentage of students served in each program. The State Board of Education must also adopt a minimum satisfactory readiness rate that must be set so that no more than 15% of all providers would fall below it. If the kindergarten readiness rate of a VPK provider falls below the minimum satisfactory rate, the ELC or school board, as applicable, shall require the provider to submit an improvement plan for approval. If the public school or private provider falls below the minimum satisfactory rate for two consecutive years, the ELC or school board shall place the school or provider on probation and require certain corrective actions, including the use of a curriculum approved by DOE. If the public school or private provider remains on probation for two consecutive years, the public school or private provider is removed from eligibility to deliver the VPK program.

All VPK providers must be in compliance with the VPK program design. The ELC shall verify that private VPK providers are in compliance; school boards shall verify that public school VPK providers are in compliance. If a public or private VPK provider refuses to comply, or engages in misconduct, the ELC must remove the provider from eligibility to deliver the program.

Funding and Attendance Reporting – Funds appropriated for VPK programs may only be used for the program. If student enrollment exceeds projections and creates a funding shortfall, funds appropriated in the subsequent year must be used first to fund the shortfall.

A full time equivalent (FTE) for the school year VPK program shall be 540 instructional hours. An FTE for the summer VPK program shall be 300 instructional hours. The base student allocation shall be provided in the General Appropriations Act and each county's allocation per FTE shall be calculated annually by multiplying the base student allocation by each county's district cost differential. In general, a student may not be reported as more than one FTE. Each ELC must maintain a database of all students enrolled in a VPK program in their county/region.

AWI must adopt procedures for the payment of funds to private and public providers that allows for monthly distribution of funds to ELCs for advance payment based upon student enrollment, certification of attendance, and reconciliation of advanced payments with attendance. AWI must also adopt, for funding purposes, a uniform, statewide attendance policy. Parents must agree to comply with attendance policy and verify the student's attendance. VPK providers must keep attendance forms for at least 2 years and the forms must be available for inspection by the ELC or school board. Public and private VPK providers may dismiss a student who does not comply with the attendance policy. Although the student may re-enroll with another VPK provider, a public school is not required to admit a student dismissed due to attendance. Unless excused for good cause, a student who does not meet the minimum requirement for attendance may be reported only for a fraction of the FTE equivalent and receive pro rata funding.

Administrative expenditures must be kept to a minimum. An ELC may retain no more than 5% for administration purposes, and these funds may not be used for school readiness or other related programs. A public or private VPK provider may not require payment of a fee or charge for VPK services, nor require a child to enroll for supplemental services as a condition of admission.

Parents are responsible for transportation, however a provider may use part of the funds for the program for transportation, but the student may not be reported for transportation purposes. For the 2004-2005 fiscal year, approximately \$11.8 million and 42.5 additional positions are authorized for the initial administrative and program development costs of the VPK program.