

Emergent Design and Development

Legislative Update
July 27, 2004

With the Legislative session over, we begin to look to next year. The leadership issues appear to be clear for the next 4 years.

- Senate leadership will be:
 - Tom Lee (Brandon) will serve as Senate President for 2005-2006
 - Ken Pruitt (Port St. Lucie) will serve as Senate President for 2007-2008
 - There are no senators termed out until 2006
- House of Representatives leadership will be
 - Allan Bense (Panama City) will serve as Speaker of the House for 2005-2006
 - Marco Rubio (Miami) will serve as Speaker of the House for 2007-2008
 - Seven (7) members of the House served their last terms in 2004 - Representatives Byrd, Harrington, Kosmas, Murman, Ritter, Spratt and Wiles
- Committee leadership has not been named as of today and committee nominations may be delayed until after the November election
- On the local district level, it is expected that Florida could have as many as 25 new superintendents. This is due to newly appointed superintendents, in addition to the 44 elected superintendents that are up for election (several choosing not to run).

I. General Information

- A. FCAT dates - according to the DOE, the actual FCAT dates are not set yet although Feb. 28-March 11 is rumored to be the FCAT window
- B. Opening dates of schools - generally opening dates are earlier for 2004-2005 than they have been in the past (August 2 to August 17). It appears that districts desire to have the maximum number of student days prior to the FCAT exams.
- C. FETC will be in Orlando at the Convention Center, with the dates of Jan. 26, 27 and 28

- II. We have identified four (4) bills that passed the Legislature this session that will have major impact on education. We have also included information on a fifth bill - HB 821 - which was vetoed.

Each bill is described in the same way. Bill number, subject and a series of bullets that will highlight the major issues addressed in the bill.

You will note that several issues are addressed in some bills. These issues do not always relate to the subject of the bill.

- **SB 354 - Middle Grades (House vote 114-0)**

- This bill amends two statutes and creates another (1003.415 F.S.). This act contains several initiatives:
 - The Department of Education will recommend a new middle school curriculum to the State Board of Education - implementation to begin in 2005-2006 and must be completed by 2008-2009
 - Schools with fewer than 75% of grades 6, 7 or 8 scoring at level 3 or above on the FCAT Reading exam must focus on reading in the school improvement plan - a plan must be developed to address the areas of weakness, the desired performance levels and services students will need. The results of this reading initiative will be part of the evaluation for instructional and administrative personnel
 - The Department of Education must provide technical assistance and study ways to improve the performance of middle school students. The Commissioner will present the recommendations to the Legislature
 - Every 6th grader that scores below level 3 in reading on the FCAT will have an individual success plan. (Plans to be used until 8th grade or until student scores above level 3)
 - This bill also creates new physical education requirements for K-12
 - The Department of Education will study the current status of physical education and develop recommendations for changes which will be reported to the Legislature by Feb. 1, 2005
 - The Department of Education will develop a fitness assessment for school districts
 - Each district must develop a physical fitness policy and report to the Department of Education. (Failure to report will result in a mandatory requirement of 30 minutes of physical activity a day, 3 days a week for K-5 students)
 - An internet-based clearinghouse for physical education professional development will be made available to teachers

- **SB 364 - Accelerated Graduation Program**

- This bill, while named “accelerated graduation” actually addresses three areas: (1) Accelerated Graduation; (2) Students who fail the FCAT at grade 10; and (3) K-3 reading.

Among the provisions of this bill are:

(1) Accelerated Graduation:

- Prior to choosing a 3 year accelerated graduation program, a student must have a reading, math and science level of 3 or above

- There are notice and consent requirements for students and parents for all early graduation programs. (Students in grades 6-9 must also be informed)
- At least 6 of the 18 credits required for the College Preparatory Program must be received in classes that are honors, dual enrollment, advanced placement or International Baccalaureate
- If not on track for the 3 year graduation program, a student at the end of grade 10 will be returned to a 4 year program (5 credits in grade 9-11 credits by end of 10th)
- College Preparatory and Career Preparatory programs for accelerated graduation require a minimum 3.0 grade point average

(2) Students who fail FCAT at grade 10:

- Students may use alternate assessments (ACT/SAT) instead of the FCAT to qualify for graduation (if they have failed the FCAT 3 times).

(3) K-3 Reading:

- Each elementary school must regularly assess the reading ability of each K-3 student and immediately inform the parent if the child has a reading deficiency
- Requires review of any student (K-3) retained because of FCAT scores. Requires an academic portfolio and 90 minutes per day of intensive reading instruction
- Requires notification of parents why good cause exceptions do not apply to a student
- Retained students must be provided with a high performing teacher
- Districts must have a mid-term promotion policy for retained students
- A READ (reading enhancement and acceleration development) initiative is required in each district to provide intensive instruction to all K-3 students with reading deficiencies
- Allows students retained in grade 3 to be eligible for good cause exemptions

- **HB 821 - Early Childhood Education (final House vote 78 to 40) (Governor vetoed)**

- This bill vetoed by the Governor may be addressed during the November 2004 reorganization session creates the Pre-K Education Program within the Department of Education. HB 821 contained the following points:
 - Parents may choose among 3 programs
 - 540 hour program provided by private provider
 - 300 hour summer school program provided by the district
 - 540 hour program provided by school district (school district must meet class size reduction requirement)
 - Applications are made to the regional child development board through a single point of entry

- The Department of Education will develop performance standards (must include emergent literacy)
 - Child Development centers or public schools may develop their own Curriculum that meets the standards
 - State funds may not be used for transportation
 - Establishes educational requirements for providers
 - Providers must maintain an 85% readiness rate based upon statewide scoring. Failure to do so will result in required corrective action
 - A 10 county summer school program for Pre-K was established
 - The school readiness system is transferred from the Florida Partnership for School Readiness to the Agency for Workforce Innovation
 - The number of regional boards are reduced to 30
 - Creates the Florida Child Development Advisory Council within the Department of Education to advise the DOE and AWI on child development policy
 - Establishes reporting requirements

- **SB 1604 - Military Affairs**
 - This bill is aimed at supporting military installations and assuring that Florida maintains its reputation as a military friendly state
Among the items that affect education are:
 - Counties must develop land use plans that show compatibility of land adjacent to military installations
 - The scholarship program has been changed from children of veterans who died from injuries in “wartime service” to children of veterans who have service-connected 100% total and permanent disability regardless of whether the injury was the result of “wartime service.” The elimination of wartime service now allows the provision of scholarships for dependents of military personnel who have died as the result of service connected injuries, disease or disability sustained while on active duty
 - Changes the requirements of the McKay Scholarship for Students With Disabilities Program by waiving the requirement that students must have been in attendance the prior year
 - The Department of Education must enter a Memoranda of Agreement with military installations that address the transition related challenges confronting military students
 - Children of active-duty military personnel who otherwise meet the requirements for special academic programs offered through public schools are given first preference (even if the program is in another school or is at maximum enrollment).
 - Allows military children to substitute a passing score on SAT or ACT for FCAT
 - Workforce Florida Inc. is directed to develop and implement an employment assistance program for military spouses

- **SB 2986 - Educational Personnel**

- This bill makes several changes that have implications for instructional and non-instructional personnel
 - Prohibits applicants for education related jobs from failing to acknowledge expunged or sealed arrest records
 - Background checks are required for all employees (instructional and non-instructional) including charter, university lab schools and alternative schools (includes governing boards)
 - Student teachers, participants in field experiences, and teacher assistants in any school must undergo screening
 - Added the general knowledge test of the Florida Teacher Certification Examination as an acceptable exam to demonstrate mastery of general knowledge
 - Requires each teacher preparation program to provide a certified ombudsmen to facilitate the process and procedures required to obtain certification
 - Provides for postsecondary institutions and community colleges to develop and implement a short term experience program (teacher assistants). This program will serve individuals with baccalaureate degrees who are interested in teaching.
 - Universities and community colleges may create Educator Preparation Institutes to provide
 - Instruction to assist teachers in improving classroom instruction
 - Instruction to assist potential and existing substitute teachers
 - Instruction to assist paraprofessionals
 - Instruction for baccalaureate degree holders to become certified teachers
 - Education Preparation Institutes may provide certification that is competency based. (The institute must use a previously approved program for this purpose)
 - Adds retention of teachers as an area of concentration for DOE activities
 - Identify best practices
 - Develop an on-line tool kit
 - Establishes Educator Appreciation Week
 - Notification of items in the budget, legislation or rule that effect teachers
 - School districts shall adopt policies relating to mentors and support of first time teachers
 - The Commissioner of Education shall take steps to provide flexibility and consistency in meeting the highly qualified teachers criteria for No Child Left Behind
 - Implementation of the differentiated pay model is delayed until 2005-2006
 - A statewide fingerprint system shall be established by Florida Department of Law Enforcement and all educational employees shall be screened

- All substitutes must have at least a high school diploma and complete a district policy and procedures course. If there is no teaching experience, they must also complete a program on management skills and instructional strategies
- Each educator is responsible for maintaining his or her current address with the Department of Education. (You must have on file a current mailing address).
- Education Practices Commission will permanently revoke the certificates of anyone that has 2 previous sanctions
- The Education Practices Commission may suspend a certificate for 5 years (instead of 3).

III. Comparison of budget items of interest

	2003 <u>Appropriation</u>	2004 <u>Appropriation</u>	<u>Impact</u>
Bright Futures	\$235,688,631	\$269,165,288	increased
Assistance to low performing schools	5,500,000	5,500,000	same
Mentoring	12,250,000	15,470,000	increased
K-8 virtual education	4,800,000	4,640,000	decreased
Sparcity	31,000,000	31,000,000	same
Safe Schools	75,350,000	75,350,000	same
Supplemental academic instruction	653,922,659	653,922,659	same
Summer reading	25,000,000	25,000,000	same
Class size reduction	468,198,634	978,825,375	increased
Instructional materials	227,939,157	234,404,200	increased
School technology	49,914,766	49,914,766	same
Teacher training	36,000,000	36,000,000	same
Teacher lead program	16,099,730	16,470,777	increased
BEST teacher program	25,000,000	not included	eliminated
Excellent teaching	69,522,028	67,748,649	decreased
Reading programs	75,648,965	90,650,211	increased
Teacher professional development	129,712,009	130,312,009	increased
Science equipment	4,100,000	4,100,000	same
State Science Fair	60,000	60,000	same
Library media	15,000,000	15,000,000	same
Sunlink	878,240	878,240	same

Other important appropriation information

Base student allocation	\$3,630.03	\$3,670.26	increased
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Program cost factors

○ K-3 basic	1.002	1.012	increased
○ 4-8 basic	1.000	1.000	same
○ 9-12 basic	1.140	1.132	decreased
○ ESE level 4	3.948	3.948	same
○ ESE level 5	5.591	5.591	same
○ ESOL	1.298	1.302	increased
○ 9-12 vocational education	1.190	1.187	decreased

IV. Information on ITN 2004-22

The Department of Education has released and received information regarding an intent to negotiate for an Integrated Education Performance Management System. This system will include 5 major components;

1. Web based student performance system for public school classrooms and institutions
2. Interfaces between student information performance system tools and school district management information systems
3. Web based training for teachers and managers on the use of information tools to improve student learning
4. State level performance information integration tools including visual representation, capacities for key indicators for all education delivery sectors
5. Training for all levels to assure the effective deployment and maintenance of information tools
6. Final decision on the ITN is expected by July 28, 2004.

The DOE received proposals from 15 vendors, and heard presentations from three - Cognos, IBM, and Microsoft. (Microsoft was chosen for the project)

V. Other bills of interest which became law 2004

- SB 120 Sexual Offenders - prohibits certain sexual offenders from living within a specified distances of certain places where children congregate. The bill also requires School Boards to notify the Department of Corrections where bus stops will be located.
- SB 122 Instructional Materials - authorizes pilot programs for school districts to purchase used textbooks for cost saving purposes
- HB 129 Elevators - requires that elevators in newly constructed and substantially improved buildings be keyed alike with each State Emergency Response Region (provide rules)
- SB 184 Discipline and safety - includes provisions for students to possess wireless communication devices on campus under rules set by the District School Board
- HB 237 Sales tax/gas tax - sets the dates for which books, clothing and school supplies are tax exempt (July 24-August 1) and reduces the tax on gasoline for 1 month (August)

- SB 300 Public School Employees - deletes some restrictions on administrators receiving payments for accumulated sick leave (upon retirement)
- HB 317 Public Records - creates exemption from public records requirements for buildings plans, blueprints, schematic drawings and diagrams held by a public agency
- SB 340 School code rewrite - provides for Superintendents annual performance salary incentive and special qualifications salary be added to adjusted salary rate. Also redesignates research schools as lab schools
- SB 348 Personal identification information - provides exemption from public records requirements for the social security numbers of agency employees. (Allows requests for last 4 digits of social security number)
- SB 354 Middle school reform (a must read bill) - requires new Middle School/Reading Courses and creation of an individual plan for all students reading below level on the 5th grade test. Middle schools must have 75% of students reading at level 3 or above.
- SB 364 Accelerated Graduation - sets guidelines for the accelerated graduation programs. Now includes 3.0 grade point average requirement for college preparation diploma. Requires 6 credits in Advanced Placement or International Baccalaureate studies. Also allows SAT and ACT scores to be used by a student who fails the 10th grade FCAT (under certain circumstances)
- HB 635 Public records exemption - provides exemption from public records requirement for information that would identify or help to locate a child who participates in a government sponsored recreation program
- SB 678 Assault upon a sports official - provides enhanced penalties for the offense of assault, battery, aggravated assault or aggravated battery if the offense is committed upon a sports official
- SB 708 Government Accountability - adds District School Boards into the Florida Statute concerning audits, assistance, and reporting of deficits. Defines financial emergency and reporting of such to the Commissioner of Education.
- HB 769 Career and technical education - provides career education certification on a high school diploma. Redesignates adult technical education programs as workforce education. (Requires performance funding)
- SB 1090 Apprenticeship training - conforms to the deletion of Workforce Development Division of the Department of Education and reassigns the division's duties governing apprenticeship training
- SB 1096 Veterans Affairs - allows the award of a standard high school diploma to honorably discharged veterans of the Korean War who did not complete necessary graduation requirements
- HB 1121 Volunteers/free clinics - provides legal qualifications for

- voluntary uncompensated services - extends protection of sovereign immunity to free clinics as health providers
- SB 1212 School Bus/Tax Levy - allows a specific tax levy to be used to offset the cost of school buses purchased through contracts with private providers
- SB 1250 Employee Benefits - amends provisions regarding the state employee prescription drug program
- HB 1251 Worker's Compensation - revises the provisions requiring the Insurance Regulation Officer to approve joint underwriting plan For Worker's Compensation and employee liability insurers
- SB 1534 Statutory Revision - deletes expired and obsolete provisions. Corrects cross references and other errors.
- SB 1536 Statutory Revisions - repeals provisions which have become inoperative that may be omitted only thru a revisions bill enacted by the Legislature,
- SB 1572 Child Care Personnel Training - requires child care personnel to be trained in recognizing and preventing shaken baby syndrome, preventing sudden death syndrome and understanding early childhood brain development
- SB 1604 Military Affairs - defines assistance for the children of military families including eligibility for McKay Scholarships, enrollment in special programs and substitution of ACT or SAT for FCAT
- SB 1650 Florida Retirement System - provides that the spouse at time of F.R.S. participants death is considered the beneficiary for purposes of retiree health insurance subsidy unless a different beneficiary has been designated
- HB 1743 Constitutional Amendments - refers to citizen initiatives regarding constitutional amendments. The bill requires fiscal impact information
- HB 1757 Carey Baker Freedom Flag Act - requires that the flag of the United States be displayed in all public K-20 classrooms
- SB 1774 Sexual Predators - requires people working with children to be checked against the Florida Department of Law Enforcement records
- HB 1835 Budget - a must read bill
- HB 1837 Implementation Bill - (for budget)
- HB 1867 Education Funding - authorizes outsourcing of statewide assessment program, provides standards and training for substitute teachers. Requires districts to clarify "Enhancement" in regard to lottery funds. School Advisory Committee recommendations for lottery dollars cannot be overruled by the school principal or district staff.
- HB 1989 Juvenile Justice Education - requires gender-specific programming within the Juvenile Justice Department for children of this state. Requires a work group to suggest strategies for meeting No Child Left Behind Act. Juvenile Justice facilities must offer G.E.D. and

- make student access to the Virtual School available
- SB 2184 Underrepresented Student Achievement - creates the Florida Partnership for Minority and Underrepresented Student Achievement. Provides purposes and duties and role of Department of Education. Special emphasis is placed on early identification of students that may not be prepared for A. P. courses
- SB 2986 Educational Personnel - requires charter school employees to undergo screening. Requires that BEST teacher program to begin in 2005-2006 (no budget). Also expands the opportunity of post secondary institutions to get involved in career ladder training.
- SB 3000 Charter Schools - enables charter schools to receive impact fees under certain conditions.
- SB 3010 Retired Teacher Reemployment - enables districts to reemploy retired teachers and annual contract teachers under certain conditions

VI. **Education Bills vetoed by the Governor**

- HB 821 Early Learning/Universal Pre-K (a must read bill) - a 100 page bill (which the Governor may veto) set up summer school pilots for voluntary Pre-K in certain school districts. These pilots will be administered by the school district. Establishes rules for the operation of the Pre-K program during the regular year and establishes standards of teachers. Parents choose either a 300 hour summer program or a 540 hour regular year program. Parents furnish transportation. Sets requirements for providers.
- SB 1258 Workforce Development - redesignates Adult Technical Education As Workforce Development Education program
- SB 2572 Educational Facilities - provides exemptions for certain airport zoning prohibition for placement of educational facilities in certain counties